# SENATE

WEDNESDAY, *January 20, 1926*

*(Legislative day of Saturday, January 16, 1926)*

The Senate, as in open executive session, reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

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| Ashurst | Frazier | McKellar | Robinson, Ark. |
| Bayard | George | McLean | Robinson, Ind. |
| Bingham | Gerry | McMaster | Sackett |
| Blease | Gillett | McNary | Schall |
| Borah | Goff | Mayfield | Sheppard |
| Bratton | Gooding | Means | Shipstead |
| Brookhart | Greene | Metcalf | Shortridge |
| Bruce | Hale | Moses | Simmons |
| Cameron | Harris | Neely | Smith |
| Capper | Harrison | Norris | Smoot |
| Caraway | Heflin | Nye | Stephens |
| Copeland | Howell | Oddie | Swanson |
| Couzens | Johnson | Overman | Trammell |
| Curtis | Jones, Wash. | Pepper | Tyson |
| Dale | Kendrick | Pine | Wadsworth |
| Deneen | Keyes | Pittman | Walsh |
| Dill | King | Ransdell | Warren |
| Fernald | La Follette | Reed, Mo. | Weller |
| Fess | Lenroot | Reed, Pa. | Willis |

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present.

## REPORT ON CONDITION OF RAILROAD EQUIPMENT

The VICE PRESIDENT. As in legislative session, the Chair lays before the Senate, in accordance with the provisions of Senate Resolution 438, dated February 26, 1923, a report of the Interstate Commerce Commission for the month of December, 1925, showing the condition of railroad equipment and related information, which will be referred to the Committee on Interstate Commerce.

As in legislative session,

## PETITIONS AND MEMORIALS

Mr. LA FOLLETTE presented memorials numerously signed by citizens of Chippewa, Clark, Kenosha, and Waukesha Counties, all in the State of Wisconsin, remonstrating against the participation of the United States in the Permanent Court of International Justice, which were ordered to lie on the table.

Mr. FERRIS presented memorials numerously signed by citizens of Allegan, Berrien, Oakland, Wayne, Shiawassee, Macomb, and Kent Counties, and of Detroit, Lansing, Bay City, Kalamazoo, Richland, Tuscola, Dowagiac, Lawrence, and Decatur, all in the State of Michigan, remonstrating against the participation of the United States in the Permanent Court of International Justice, which were ordered to lie on the table.

Mr. FRAZIER presented the memorials of R. R. Rhodes and 68 other citizens of Minot and vicinity, and of J. S. McKay and 40 other citizens of Fargo and vicinity, in the State of North Dakota, remonstrating against the participation of the United States in the Permanent Court of International Justice, which were ordered to lie on the table.

Mr. CAPPER presented memorials numerously signed by citizens of Rossville, Newton, McPherson, and Plains, all in the State of Kansas, remonstrating against the participation of the United States in the Permanent Court of International Justice, which were ordered to lie on the table.

He also presented a petition of members of Alonzo V. Ricketts Camp, No. 34, United Spanish War Veterans, of Paola, Kans., praying for the passage of Senate bill 98, providing increased pensions to Spanish War veterans and their widows, which was referred to the Committee on Pensions.

## PROPOSED DEPARTMENT OF EDUCATION

Mr. BINGHAM. Mr. President, I ask unanimous consent to have printed in the RECORD a very brief article from the Bristol Press in regard to Senate bill 291. I ask also that the article may be referred to the Committee on Education and Labor.

There being no objection, the article was referred to the Committee on Education and Labor, and ordered to be printed in the RECORD as follows:

[From the Bristol (Conn.) Press, January 9, 1926]

### BRISTOL OBJECTS TO SENATE BILL 291

At the last meeting of the board of education it was unanimously voted to disapprove Senate bill 291, which is for the purpose of providing for a department of education with a secretary in the President's cabinet. We feel confident this action will meet general approval. The bill under discussion if it became a law would be a triumph for bureaucracy and centralization and a radical departure from the accepted and fundamental duty and principles of each State to care for and direct its own public-school system. To delegate direction and control of this function and privilege to the Federal Government would be a calamity, and one of the far-reaching consequences. Too much has already been surrendered. The centralization scheme is an invention of faddists who have not shown any such capacity as to warrant their being trusted with such great responsibility. The State of Connecticut and her communities will continue to manage their own school and educational system with success and progressiveness.

## TAX REDUCTION

Mr. SMOOT. Mr. President, as in legislative session, from the Finance Committee I report back favorably with amendments the bill (H. R. 1) to reduce and equalize taxation, to provide revenue, and for other purposes. I will state that I shall instruct the clerk of the committee to place a copy of the bill upon the desk of every Senator within the next hour. I hope to be able to call up the bill at a very early day.

I will also state that to-morrow morning I will have the report of the majority members of the committee ready to submit to the Senate. It may be possible that we can have it printed in time to place it upon the desks of Senators this afternoon, but that is a little doubtful. However, it will be upon the desks of Senators to-morrow morning.

The VICE PRESIDENT. The bill will be placed on the calendar.

## REPORTS OF COMMITTEES

Mr. SHORTRIDGE, from the Committee on Naval Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 2083) for the relief of Charles Wall (Rept. No. 53); and

A bill (S. 2085) to correct the naval record of John Cronin (Rept. No. 54).

Mr. ODDIE, from the Committee on Naval Affairs, to which was referred the bill (S. 1828) for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy, reported it without amendment and submitted a report (No. 55) thereon.

Mr. CAMERON, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 1856) amending further an act providing for the withdrawal from public entry lands needed for town-site purposes in connection with irrigation projects, reported it with amendments and submitted a report (No. 56) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 612) for the relief of Elizabeth Wooten, reported it without amendment and submitted a report (No. 57) thereon.

He also, from the same committee, to which was referred the bill (S. 1767) for the relief of Benjamin F. Spates, reported it with an amendment and submitted a report (No. 58) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 1452) to carry into effect the findings of the Court of Claims in the case of William W. Danenhower, reported it with an amendment and submitted a report (No. 59) thereon.

Mr. BROOKHART, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 74) for the relief of W. H. Presleigh (Rept. No. 60); and

A bill (S. 1520) for the relief of Isabelle R. Damron, postmaster at Clintwood, Va. (Rept. No. 61).

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 1824) for the relief of R. E. Swartz, W. J. Collier, and others, reported it without amendment and submitted a report (No. 62) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 1456) authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Ericsson, reported it without amendment and submitted a report (No. 63) thereon.

He also, from the same committee, to which was referred the bill (S. 2324) for the relief of the New Jersey Shipbuilding & Dredging Co., reported it with an amendment and submitted a report (No. 64) thereon.

He also, from the Committee on the District of Columbia, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1119) to transfer jurisdiction over United States reservation No. 248 from the Director of Public Buildings and Public Parks of the National Capital to the Commissioners of the District of Columbia (Rept. No. 65); and

A bill (S. 1121) to amend an act of Congress approved March 1, 1920 (Public 153, 66th Cong., H. R. 6863), entitled "An act to regulate the height, area, and use of buildings in the District of Columbia, and creating a Zoning Commission, and for other purposes (Rept. No. 66).

Mr. CAPPER, also from the Committee on the District of Columbia, to which was referred the bill (S. 1115) creating a commission to procure a design for a distinctive flag for the District of Columbia, reported it with amendments and submitted a report (No. 67).

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 871) for the relief of Harry Scott, reported it without amendment and submitted a report (No. 68) thereon.

He also, from the same committee, to which was referred the bill (S. 1531) for the relief of the heirs of George E. Taylor, deceased, reported it with an amendment and submitted a report (No. 69) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 2624) to provide for the acquisition of a site and erection thereon of a public building at Gassaway, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. NEELY:

A bill (S. 2625) for the relief of Lola Blanche Dean; to the Committee on Claims.

A bill (S. 2626) providing for the purchase of a site and the erection thereon of a public building at Mannington, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. PINE:

A bill (S. 2627) granting a pension to Mallie C. Fikes (with accompanying papers); to the Committee on Pensions.

By Mr. CAMERON (for Mr. McKINLEY):

A bill (S. 2628) for the relief of certain Mississippi Choctaws; to the Committee on Indian Affairs.

A bill (S. 2629) for the relief of Daniel M. Banks (with an accompanying paper); and

A bill (S. 2630) for the relief of Emory S. Hall (with accompanying papers); to the Committee on Claims.

A bill (S. 2631) granting a pension to Eli H. Brown, alias Henry Brown (with an accompanying paper);

A bill (S. 2632) granting a pension to Harry S. Glazebrook (with accompanying papers);

A bill (S. 2633) granting a pension to Anna Kindred (with accompanying papers);

A bill (S. 2634) granting an increase of pension to Hardy L. Knowles;

A bill (S. 2635) granting an increase of pension to Amelia M. Ferner;

A bill (S. 2636) granting an increase of pension to John Baker;

A bill (S. 2637) granting an increase of pension to Alba B. Bean; and

A bill (S. 2638) granting an increase of pension to Cathryn White; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 2639) granting an increase of pension to John Ralph Robertson; to the Committee on Pensions.

A bill (S. 2640) for the relief of Mrs. Brewster Agee;

A bill (S. 2641) for the relief of Henry J. Wright; and

A bill (S. 2642) for the relief of Samuel W. Tyson; to the Committee on Claims.

By Mr. FESS:

A bill (S. 2643) to provide for the cooperation of the United States in the erection, in the city of Panama, of a monument to Gen. Simon Bolivar; to the Committee on the Library.

By Mr. WADSWORTH:

A bill (S. 2644) for the relief of Michael J. Leo; to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 2645) to remit the duty on three church bells to be imported for the Church of the Sacred Heart, Albuquerque, N. Mex.; to the Committee on Finance.

By Mr. JOHNSON:

A bill (S. 2646) to provide cooperation to safeguard endangered agricultural and municipal interests and to protect the forest cover on the Santa Barbara, Angeles, San Bernardino, and Cleveland National Forests from destruction by fire, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. SHORTRIDGE:

A bill (S. 2647) granting permission to Lieut. Col. James I. Mabee, United States Army, retired, to accept a decoration and diploma of officer of the French Legion of Honor, tendered by the President of the French Republic; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 2648) providing for the erection and completion of a public building at Binghamton, N. Y.; to the Committee on Public Buildings and Grounds.

A bill (S. 2649) to amend section 4 of the immigration act of 1924; to the Committee on Immigration.

A bill (S. 2650) to amend the Code of Law of the District of Columbia, in relation to descent and distribution;

A bill (S. 2651) to amend section 1159 of the Code of Law for the District of Columbia so that the widower shall have the same share in the real estate of his deceased wife as is given by law to the widow in her deceased husband's estate; and

A bill (S. 2652) amending subchapter 5 of the Code of Law of the District of Columbia, as amended to June 7, 1924, relating to offenses against public policy; to the Committee on the District of Columbia.

CHANGES OF REFERENCE

On motion of Mr. WARREN, the Committee on Appropriations was discharged from the further consideration of the following bills, and they were referred as indicated below:

A bill (S. 1540) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for fiscal year ending June 30, 1884, and for other purposes"; to the Committee on Patents.

A bill (S. 2591) providing for the grading of the Thomas MacDonough memorial site, and for other purposes; to the Committee on the Library.

DETROIT FIDELITY & SURETY CO.

Mr. FERRIS submitted an amendment intended to be proposed by him to the bill (S. 1034) for the relief of the Detroit Fidelity & Surety Co., which was referred to the Committee on Claims and ordered to be printed.

HEARINGS BEFORE THE COMMITTEE ON EDUCATION AND LABOR

Mr. PHIPPS submitted the following resolution (S. Res. 122), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Education and Labor, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not to exceed 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 90. An act to amend an act entitled "An act to create a Library of Congress trust fund board, and for other purposes," approved March 3, 1925; and

S. 1267. An act to extend the time for the completion of the construction of a bridge across the Columbia River between the States of Oregon and Washington, at or within 2 miles westerly from Cascade Locks, in the State of Oregon.

OPINION OF CIRCUIT COURT OF APPEALS IN OIL LEASE CASE

Mr. WALSH. Mr. President, I send to the desk and ask to have printed in the RECORD the opinion of the Circuit Court of Appeals for the Ninth Circuit in the case of the Pan American Petroleum Co. and others against the United States of America, the so-called Elk Hills oil-lease case.

It may be of interest if I state in this connection that while the court said it finds no reason to disturb the findings of fact of the lower court, which it will be recalled found that the lease was tainted with corruption, the decision is placed squarely upon a ground common to the Teapot Dome case as well as to the Elk Hills case. If I may be indulged for just a moment, I want to read from the opinion as follows:

It is contended that the act of June 4, 1920, conferred upon the Secretary of the Navy ample authority to enter into the exchange contracts of April and December, 1922. We can not think that by the use of the word "exchange" in the act which was a rider to the appropriation bill of June 4, 1920, it was the intention of Congress to bestow upon the Secretary of the Navy power to dispose of the oil products of the naval reserves in the manner in which it was done in the contracts and leases here in question. The act, after giving the Secretary possession of the naval reserve lands, etc., authorized

him "to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from land within the reserve, for the benefit of the United States. * * * *Provided further,* That such sums as have been or may be turned into the Treasury of the United States from royalties on lands within the naval petroleum reserves prior to July 1, 1921, not to exceed $500,000, are hereby made available for this purpose until July 1, 1922." The power to lease, following as it does the authority to conserve, was evidently to be used as a protective measure to prevent drainage of the naval reserve lands from adjacent oil drilling. The power to sell so conferred necessarily carried with it the legal obligation to turn into the Treasury of the United States the proceeds of sales. If anywhere in the act there is authority to justify the execution of the contracts and leases in question here, it must be found in the word "exchange."

Then the court considers that subject and reaches the conclusion that the word "exchange" did not so authorize.

I ask unanimous consent that the entire opinion may be printed in the RECORD.

Mr. ROBINSON of Arkansas. Mr. President, can the Senator announce the status of the Wyoming case?

Mr. WALSH. The Wyoming case is pending on appeal to the Circuit Court of Apeals for the Eighth Circuit. This is the opinion of the Circuit Court of Appeals for the Ninth Circuit. My understanding is that it will be for a hearing before that court—that is, the Circuit Court of Appeals for the Eighth Circuit—some time in the spring.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

IN THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

Pan American Petroleum Co., a corporation, and Pan American Petroleum & Transport Co., a corporation, appellants and cross appellees, *v.* United States of America, appellee and cross appellant. No. 4651.

OPINION BY CIRCUIT JUDGE GILBERT, FILED JANUARY 4, 1928

Before Gilbert, Hunt, and Rudkin, district judges.

The United States, in a bill in equity against the two corporations named as parties defendant—which herein will be called respectively the petroleum company and the transport company—alleged that a fraudulent conspiracy was formed between Edward L. Doheny, the chief executive officer of the defendants, and Albert B. Fall, Secretary of the Interior of the United States, to procure for the defendant companies the execution of a contract dated April 25, 1922, a lease of a portion of naval reserve No. 1, situated in California, a further contract of December 11, 1922, and a lease for 20 years covering the remainder of naval reserve No. 1, dated December 11, 1922. The object of the suit was to rescind and cancel said contracts and leases and obtain a decree for accounting. The bill alleged that between said conspirators an agreement was made prior to November 30, 1921, that if Secretary Fall could bring about the execution of said instruments he was to receive for so doing $100,000 from Edward L. Doheny; that on or about November 30, 1921, Doheny, in furtherance of said conspiracy, paid Fall the $100,000 reward so promised to him, and that thereafter Fall, in pursuance of said conspiracy, awarded the said contract of April 25 and caused to be executed and delivered the said lease of June 5, and caused the said contract and lease of December 11 to be executed. The bill alleged that by the contract of April 25, 1922, made between the transport company and the United States by the Acting Secretary of the Interior, it was agreed to exchange crude oil to be produced from naval petroleum reserves Nos. 1 and 2 in the State of California, which oil was unsuitable for fuel for the United States Navy, for fuel oil suitable for the use of said Navy, to be delivered by the corporation at the United States naval station at Pearl Harbor, Hawaii, the corporation agreeing to furnish 1,500,000 barrels of fuel oil and to deliver the same into storage facilities to be by it constructed according to specifications in consideration of the delivery to the corporation of 5,878,905 barrels of crude oil from said naval reserves, with a further provision that the corporation should be granted by the Government a preferential lease on certain portions of reserve No. 1 not included in the contract in case the Secretary should decide to lease the same.

It was alleged also that the said award of the contract to the transport company was made without competitive bidding and that it gave to said corporation a prior right or option to become the lessee of certain portions of naval reserve No. 1, and was so drawn purposely and intentionally to secure said right to that corporation to the detriment and in fraud of the rights of the United States and prevent other persons or corporations from becoming the lessee and to prevent competitive bidding or open competition to any lease on lands in said reserve; that the intention between Fall and Doheny was that the latter's company should become the lessee of the entire reserve; that pursuant to the said unlawful agreement the instruments of April 25, 1922, and December 11, 1922, were executed secretly and privately and without competition and that all the agreements and leases referred to in the bill are illegal and void by reason of said fraud and illegal conspiracy and for the further reason that no authority was lodged in the officers of the United States who acted therein to execute the same and that they were unauthorized by law. The prayer of the bill was in substance that the contracts and leases be surrendered to be canceled, that the defendants be enjoined from further trespassing upon the lands of the United States under or by virtue of said instruments, and that the defendants be required to account for all oil received or taken by them under the terms of said instruments.

The answer denied the allegations of fraud, conspiracy, and bribery, asserted the validity and legality of the contracts and leases, and alleged in defense that the plaintiff had not tendered to the defendants the amount which they were justly and equitably entitled to receive under said contracts and leases, and had failed to offer to do equity in the premises, and alleged that the bill was without equity.

In substance the findings of fact of the trial court are that the transport company, a corporation of which Edward L. Doheny was president up to December 7, 1923, owned and absolutely controlled the entire capital stock of its co-defendant; and that at all times mentioned in the complaint Doheny directly or indirectly controlled over 50 per cent of the capital stock of the transport company and was in fact in effective control of the policies and actions of both said companies. On September 2, 1912, the President made an Executive order setting apart a portion of the lands in petroleum reserve No. 2, ordering that they should be held for the exclusive use or benefit of the United States Navy, and on May 31, 1921, President Harding made an Executive order authorizing the Secretary of the Interior to lease producing oil wells within any naval petroleum reserves and to permit the drilling of additional wells or to lease the remainder or any part of a claim upon which such wells had been drilled, and directing the Secretary of the Navy to conserve, develop, use, and operate by contract, lease, or otherwise, unappropriated lands in naval reserves, and committing to the Secretary of the Interior the administration and conservation of oil and gas bearing lands in the naval reserves, but providing that no general policy as to drilling or reserving lands in a naval reserve should be changed or adopted except in consultation and cooperation with the Secretary or Acting Secretary of the Navy. The order authorized and directed the Secretary of the Interior to perform any and all acts necessary for the production, conservation, and administration of the said reserves subject to the conditions and limitations contained in the order and the existing laws, or such laws as might hereafter be enacted by Congress pertaining thereto.

Secretary Fall was very active in procuring the transfer of the naval oil reserves from the Navy Department to the Interior and after the order of May 31, 1921, he dominated the negotiations that eventuated in the contracts and leases in the suit. The Secretary of the Navy was absent through all said negotiations and took no active part therein but signed the contracts of April 25, 1922, and December 11, 1922, and the lease of December 11, 1922, and the letter of April 25, 1922, under misapprehension and without full knowledge of the contents thereof. On July 8, 1921, Fall wrote to Doheny: "There will be no possibility of any further conflict with naval officials and this department, as I have notified Mr. Denby that I should conduct the matter of naval leases under the direction of the President without calling any of his force in consultation, unless I conferred with himself personally upon a matter of policy. He understands the situation and that I shall handle the matter exactly as I think best, and will not consult with any officials of any bureau in his department but only with himself, and such consultation will be confined strictly and entirely to matters of general policy." Doheny and the defendants understood from and after July 8, 1921, and acted upon the belief, that Fall had authority to make contracts and leases touching royalty oils from land of the naval reserve and they dealt with him accordingly. Between July 8, 1921, and October 25, 1921, Fall and Doheny held personal conferences with regard to the royalties reserved under a lease that had been granted to the petroleum company for a strip of land in section 1, township 31 south, range 24 east, in Kern County, Calif., and between the same dates they held conferences respecting the proposal to be made by the transport company whereby the latter should receive from the United States royalty oil accruing from leases on naval reserves No. 1 and No. 2 in California, and in consideration thereof agree to erect certain storage tank facilities at Pearl Harbor, Hawaii, and fill the same with fuel oil. At said conferences the matter of granting further leases on naval reserve No. 1 was discussed and on October 25, 1921, and prior to March 7, 1922, Fall and Admiral John K. Robison, the personal representative of the Secretary of the Navy in naval-reserve matters, agreed that the proposed contract for the construction of tankage facilities and filling the same should be kept secret, not for military reasons but in order that Congress and the public might not know what was being done, and in fact the proposed contract was

concealed and kept secret until after the award was made on April 18, 1922. At and prior to November 30, 1921, there was pending in the Department of the Interior for action by Fall as Secretary a petition of the petroleum company praying for reduction of the royalty of 55½ per cent reserved to the United States in the lease of July 12, 1921, of certain land in naval reserve No. 1. At the same time there was pending before the Department of the Interior a proposition by the transport company that in consideration of the receipt of royalty oils by said company and the granting of further leases of lands in naval reserve No. 1, the company would agree to erect certain storage-tank facilities at Pearl Harbor, Hawaii, and fill the same with fuel oil. On November 28, 1921, Doheny, on behalf of the transport company, wrote to Fall that in view of the cost of fuel oil, the cost of delivery of 1,485,000 barrels at Pearl Harbor would be $2,821,500, which, added to the cost of constructing the necessary tanks to store the same, would make a total of $3,360,420, and that to pay the contractor for both tanks and oil in royalty accrued oil from the naval reserve it would require 2,973,823 barrels.

The letter suggests that the matter be turned over to First Assistant Secretary Finney to arrange the details with Rear Admiral Robison during Secretary Fall's proposed absence. On the following day Fall wrote to Admiral Robison, submitting to him Doheny's letter, and saying: "Should you think best to accept this proposition, then, of course, it would be necessary in my judgment to turn over to Colonel Doheny, if we can do so, leases upon further wells or area in the naval reserve in which he is now drilling. If this is done, it must be understood that the royalty must be made less than are the present royalties being paid by the Midway and Pan American. * * * The two companies named are pumping their wells and so, of course, they are not making any money, but will experience a loss in the payment of a 55 per cent royalty to the Government. If you approve the proposition will you kindly indicate such approval by simple indorsement upon Colonel Doheny's letter to myself signed by yourself. Your simple O. K. will be sufficient." On November 30, 1921, Fall was ready and desirous to consummate a contract with the transport company along the lines outlined in the two letters just referred to, which letters expressed and implied an understanding and agreement between Fall as Secretary of the Interior and Doheny as executive and managing officer of the transport company, that Fall, upon the execution of the contracts as suggested in the letter of November 28, 1921, would grant to that corporation further and additional leases in naval petroleum reserve No. 1 in consideration of the construction of storage facilities for 1,485,000 barrels of fuel oil at Pearl Harbor and filling of the same with fuel oil in exchange for royalty crude oil due the United States from existing leases and further leases agreed to be made in the naval petroleum reserves.

Prior to November 30, 1921, Fall and Doheny discussed a proposal that Doheny should advance and deliver to Fall the sum of $100,000 for the personal use of the latter, and Doheny agreed to furnish said sum when Fall should need it, and on that date, Doheny, then being in New York City, did at the request of Fall send to him at Washington $100,000, not in the usual manner of business transactions, but in currency obtained from a bank by the use of the check of Doheny's son. The currency was "carried in a satchel" by Doheny's son from New York to Washington and by him delivered to Fall, but no entry of the withdrawal of said currency appears in the account of Edward L. Doheny with the bank on which the check was drawn, and no entry of said advance or of any personal transaction connected therewith between Fall and Doheny was ever made a matter of record in the books of the latter or of either of the defendant corporations, but on November 30, 1921, Fall handed to Doheny's son, who delivered the same to his father, a note payable on demand with interest after date in the sum of $100,000 to said Doheny at New York or Los Angeles, Calif., value received. No sum, however, either on account of principal or interest has been paid by Fall to Doheny on account of said note or said money so advanced. Within a few weeks after receiving the note Fall's signature was torn therefrom by Doheny and said note remains so torn. The purpose of so tearing the note was that it might not in the hands of third parties be an enforcible obligation against Fall.

On or before December 1, 1921, Fall issued instructions to his subordinates in the Department of the Interior that the Petroleum Co.'s petition for the reduction of royalties under the lease of July 12, 1921, be refused and that instead thereof the company should as relief be granted a lease at regulation Interior Department royalties in section 1, township 30 south, range 24 east, Kern County, Calif., in naval reserve No. 1. From January 27, 1922, to April 15, 1922, Fall knew that the transport company would make a bid to construct storage tankage facilities at Pearl Harbor, and fill the same with fuel oil in consideration of the delivery to it of royalty oil of the United States and in consideration that it be assured of further leases in naval reserve No. 1, and that the bid to be named by said corporation in construction of storage facilities and filling the same with fuel oil would be at cost, but he knew that the bid would involve the granting to said corporation of further oil and gas leases of the land within the said naval reserve No. 1. Aside from certain officers and agents of the United States and those operating the corporation, no others knew that the corporation would bid at cost for the construction and the filling of said storage facilities, nor were any informed by Fall or by any person on behalf of the United States that a bid conditioned upon the assurance to the bidder of further leases in naval petroleum reserve No. 1 or a preferential right to leases therein would be considered.

Due to Fall's interest in furthering a contract with the transport company for constructing and filling storage-tank facilities at Pearl Harbor and granting such further leases, the said corporation and its engineering representative were from December, 1921, to April 15, 1922, kept in close touch with the development of the plans for constructing the tankage facilities and had opportunities for conference and advice from the officers and employees of the United States which no other bidder was afforded. The only other oil companies conferred with by the officers of the United States concerning the project at Pearl Harbor and the proposed contract were the Standard Oil Co. of California, the General Petroleum Co., the Associated Oil Co., the Pacific Oil Co., and the Union Oil Co. of California. Prior to April 15, 1922, Fall knew that the General Petroleum Co. considered the proposed contract illegal and would not submit a bid; accordingly no invitations for proposals were sent to it. Fall also knew that the counsel for the Standard Oil Co. was of the opinion that the proposed contract was illegal and had written an opinion to that effect, and Fall knew that said company would not submit a bid. He knew or could have known prior to April 15, 1922, that the Union Oil Co. of California had not been asked to submit a bid. He knew prior to April 15, 1922, that the Associated Oil Co. would not submit a bid except upon condition that authority be obtained from Congress. He knew prior to April 15, 1922, that invitations had been furnished to two construction companies, but he was of the opinion, and so stated, that it was impossible for construction companies to make bids for the reason that the construction would have to be paid for by delivery of royalty oils belonging to the United States. On April 15, 1922, the bids were opened. The Associated Oil Co.'s bid was conditioned upon congressional action approving the contract. A proposal from the Standard Oil Co. of California applied only to the furnishing of fuel oil. Aside from these, the only bids were those of the transport company. That company submitted two bids marked "A" and "B."

In proposal "B" a smaller lump sum in barrels of crude royalty oil was named than in proposal "A." It agreed that if the contractor's actual cost of construction were less than a mentioned stipulated amount any saving below that stipulated amount would be credited to the Government, and the proposal was conditioned upon the granting by the United States of a preferential right to the bidder to become the lessee in all leases thereafter to be granted by the United States for recovery of oil and gas in naval petroleum reserve No. 1. No other bidder was invited to compete on the terms mentioned in proposal "B" or upon any terms granting preferential rights to leases, and no person or corporation was advised that any bid would be received for doing the construction work at cost.

Fall was not present at the opening of the proposals. When he left Washington on April 13, 1922, he gave instructions to his subordinates that no bid should be accepted and no contract awarded without his first being informed and without his consent thereto. On April 18, 1922, Finney, the Acting Secretary of the Interior, telegraphed to Fall advising him that he and Admiral Robison recommended the acceptance of said proposal "B," and on the same day Fall telegraphed his consent thereto. Finney notified the Transport Co. of the acceptance of its proposal "B," but before the contract was executed the vice president of that corporation stated to Finney that his company did not desire to proceed further unless the United States would agree that within 12 months from the date of the contract it would grant to the corporation a lease or leases on some portion of the lands within naval reserve No. 1. On April 20, 1922, Ambrose, chief petroleum technologist of the Bureau of Mines of the Department of the Interior, was sent with documents and papers relating to the contract to New Mexico to consult with Fall. On April 23, 1922, Fall telegraphed instructions to Finney to execute the contract. One of the matters about which Ambrose was instructed to confer with Fall was the question whether Denby, Secretary of the Navy, should be made a party to the proposed contract, and on April 23, 1922, Fall by telegraph answered in the affirmative. The question whether the Secretary of the Navy should be made a party to the agreement or whether the Executive order of May 31, 1921, had any legal force and effect was originally raised by Cotter, vice president and attorney of the Transport Co. He refused to permit his company to enter into the contract unless the Secretary of the Navy were made a party thereto and signed the same.

From the inception of negotiations concerning the contract for the erection of storage facilities and filling the same with fuel oil Fall kept in touch with the matter, and no question of policy or action of importance was determined without his consent. The condition of proposal "B" touching a preferential right to leases was inserted for the express purpose of preventing any other company from having an opportunity to obtain leases in said naval reserve and so that the said

bidder might be able to eliminate competition for such leases as the United States might thereafter decide to make. Before the contract was executed Finney and Denby wrote to Cotter that the Department of the Interior would agree to grant to his company within one year from the date of a contract for the Pearl Harbor project, leases ro drill on the NE. ¼ of Sec. 3, T. 31 S., R. 24 E., and the strip of land lying in the E. ½ of Sec. 34, T. 30 S., R. 24 E., and specifying the rate of royalty that would be charged thereon.

The guaranty of certain specified leases in that letter was not necessary, nor was it necessary to make the lease of June 5, 1922, to prevent drainage. The purpose of the guaranty of certain leases in the letter of April 25, 1922, was to assure the production of additional royalty oil to be used in payment for the construction of storage-tankage facilities at Pearl Harbor and filling the same with fuel oil. The posted field price of crude oil in California declined rapidly after making the contract of April 25, 1922. In the autumn of 1922 Doheny was in consultation with Fall concerning a proposal that the transport company should at once become lessee of certain areas in naval reserve No. 1, and in consideration thereof should agree to do for the United States certain things mentioned in a written proposition. The proposal was reduced to writing by Doheny and delivered to Fall some time in October or November. Fall delivered it to certain other officers and employees of the United States with his approval. Doheny in a subsequent written proposal enlarged his proposition and made further suggestions as to areas to be leased and the consideration which his company would give therefor. He and Fall conferred together concerning the schedules of royalty to be inserted in the proposed lease which was to be made to the petroleum company, with the result that they agreed upon a schedule of royalties recommended by Fall and expressed in the lease of December 11, 1922. That lease was arranged by private negotiation, and no competition of any kind was had in the making of it and no other oil company was invited to submit a proposal for a lease, although at least one other oil company would have been interested in the matter. Some time prior to the making of that lease and down to October, 1922, Fall and other officers and employees of the United States, who were in close touch with him in the administration of the naval petroleum reserves stated to persons making inquiry for leases in the naval reserve No. 1 that it was not the intention of the Department of the Interior or of the United States to make any lease or to drill in naval reserve No. 1 except for purely defensive purposes, and that no immediate leasing or drilling was in contemplation. So far as Fall was concerned, those representations were false and untrue and by him known so to be. In February, 1922, an agreement was made by the United States with the Pacific Oil Co. that no drilling should be done by either party except on six months' notice to the other party on certain lands in sections 27, 28, 29, 30, 31, and on all of sections 32 and 33 and the west half of 34, T. 30 S., R. 24 E., and on portions of sections 3, 4, 5, and 6 in T. 31 S., R. 24 E.; and in October, 1922, a similar agreement was made as to section 31, T. 30 S., R. 24 E., and section 36, T. 30 S., R. 23 E. Both agreements are still in force. There was no necessity, on account of threatened drainage, to make the lease of December 11, 1922, at the time when it was made. At that time the plans for construction work at Pearl Harbor had not been prepared, nor were they prepared until January 7, 1922. The contract of April 25, 1922, is a contract for the construction of a reserve fuel depot at Pearl Harbor and filling the same with fuel oil. The contract of December 11, 1922, contains an agreement for the erection of two reserve fuel depots for the Navy at Pearl Harbor and filling the same with certain petroleum products.

It was understood by him and Fall that the latter need not repay said sum or any part thereof to Doheny.

Doheny expected that if Fall did not sell or turn over certain ranch land owned by him or to be acquired by him in New Mexico, Doheny would cause the transport company to employ Fall at a salary sufficiently large to enable him out of one-half thereof to pay off said amount in five or six years. At the time of the said payment to Fall, Doheny knew that Fall expected to leave the service of the Government and to accept employment with one of his companies or both through his, Doheny's, procurement. Doheny and Fall acted in cooperation and collusion with respect to the royalties being paid and to be paid on subsequent leases by the defendant corporations, and the royalties stipulated in the leases were fixed, arranged, and settled by Fall and Doheny.

By the contracts of April 25, 1922, and December 11, 1922, the Secretary of the Navy surrendered and delegated to the Secretary of the Interior vital, essential, and discretionary rights, powers, and duties which by the Congress of the United States were conferred exclusively and solely upon the Secretary of the Navy.

There have been constructed and completed under the direction of the defendants at Pearl Harbor all of the fuel oil storage facilities mentioned in the agreement of April 25, 1922, and there have been constructed and completed under the direction of the defendants much of the additional storage facilities for crude oil products mentioned in the agreement of December 11, 1922, and such projects and property are of benefit and value to the United States and have been constructed economically and without waste or extravagance and are now available for use by the United States, and are on property of the United States at Pearl Harbor, and the money expended for the construction thereof has been expended by the defendants upon the property of the United States and under the supervision and inspection of duly appointed officers of the Navy, and said property so constructed upon the property of the United States should be retained and kept thereon.

At the time of the conclusion of the trial all the additional storage facilities for crude oil products required by the agreement of December 11, 1922, had been completed and there had been delivered into the possession of the United States at Pearl Harbor and into said storage facilities 1,453,274.94 barrels of fuel oil of the quality required by the agreement, and the same was accepted by the United States and is retained by it and is of value and benefit to the United States equal to the cost of furnishing and transporting the same. The court further found that the lessee in compliance with the terms of the leases of June 5 and December 11, 1922, did expend sums of money in exploration, exploitation, and development of the lands referred to therein and in producing and maintaining production of oil, gas, and gasoline therefrom and in making permanent improvements and facilities upon said lands necessary to comply with the terms of said leases, and said expenditures were made economically and without waste and with the knowledge and under the general supervision of duly appointed officials of the United States, and the result of said expenditures is and will be of benefit and value to the United States equal to the amount thereof.

From all of said findings of fact the court drew the following conclusions of law: That the payment of $100,000 by Doheny to Fall was contra bonos mores and against public policy; that it is immaterial whether the directors and stockholders of the transport company knew of said payment; that the making of said payment constitutes a fraud upon the United States and renders voidable all contracts and transactions made subsequent thereto between said corporation or its codefendant and the United States; that Doheny and Fall conspired and confederated for the making of certain contracts and agreements of great benefit and advantage to the transport company, to wit: The contract of April 25, 1922, Exhibit B, of the complaint, the contract of April 25, 1922, Exhibit E, the lease of June 5, 1922, the contract of December 11, 1922, and the lease of December 11, 1922; that the contract of April 25, 1922, Exhibit B, was not let upon competitive bidding; that that contract and the contract of December 11, 1922, Exhibit C, the lease of June 5, 1922, and the lease of December 11, 1922, are voidable at the option of the United States and should be delivered up to be canceled; that the contract of April 25, 1922, Exhibit B, and the contract of December 11, 1922, are null and void and of no effect because they constitute unlawful delegation of authority to the Secretary of the Interior contrary to the terms and provisions of the act of June 4, 1920, and they should be surrendered for cancellation; that the Executive order of May 31, 1921, is, in so far as it attempts to transfer the discretionary power of the Secretary of the Navy to the Secretary of the Interior, ineffectual and in excess of the executive power of the President; that the lease of June 5, 1922, was part of the consideration of an illegal contract, to wit: The contract of April 25, 1922, Exhibit B, and the same should be delivered up for cancellation; that the lease of December 11, 1922, constituted part of the consideration given by the United States for the contract of December 11, 1922, which contract being wholly void and illegal, the said lease also is void and illegal, and should be delivered up for cancellation; that the defendants should cease to trespass upon the lands of the United States and forthwith surrender possession thereof and be enjoined and restrained from further operations or activities of any kind on said lands and from removing any materials, tools, machinery, etc., therefrom.

In view of the equities between the parties, the trial court concluded that the defendants should be paid for and allowed credit for moneys actually expended in the construction of the storage facilities at Pearl Harbor and that a complete account should be taken between the plaintiff and the defendants to determine the total and gross amount of oil petroleum products the defendants have taken from the lands covered by the lease of June 5, 1922, and the lease of December 11, 1922, and the money value of such products so taken, and upon ascertaining the total gross quantity of such products and of the pecuniary value thereof, such sum to be found due, if any, upon such accounting, should be paid by the defendants to the plaintiff, and that in such accounting the defendants be entitled to be credited with the cost price of the storage facilities so completed and installed at Pearl Harbor, together with the cost price of fuel oil contents placed therein and the actual expenditures of money in drilling and putting on production in wells drilled under the leases of June 5, 1922, and December 11, 1922, and that the costs of the suit should be paid by the defendants.

The defendants take their appeal from that portion of the decree which awards the plaintiff equitable relief. The plaintiff takes its cross appeal from that portion of the decree which awards the defendants credit for moneys expended under the contracts and leases and directs an accounting.

Gilbert, circuit judge, after stating the case:

The defendants assign error to certain of the findings of fact of the trial court, certain of the rulings of that court upon the admission of evidence, and certain of the court's conclusions of law. We find no ground for disturbing the findings of fact which we deem essential to the decision of the cases, and while the evidence may be insufficient to support certain contested findings, the disputed facts, in view of our conclusions upon the law applicable to the case, become of little importance.

Particular objection is made to the admission in evidence of statements made by Doheny before the Senate committee. Those statements were offered in evidence after Doheny had been called as a witness for the plaintiff to testify as to the $100,000 payment to Fall by him and had availed himself of his constitutional privilege by declining to answer on the ground that his testimony might tend to incriminate him. The offer in evidence of the statements so made before the Senate committee was accompanied with a proffer of proof that Doheny had voluntarily appeared and made the statements before the committee. Objection was interposed on the ground that the said statements were not shown to have been made as part of any transaction of the defendant corporations or as part of the res gestae of any corporate transaction or under circumstances showing that Doheny had any express or implied authority to appear before the Senate committee and speak for said corporations. The court held that at the time of making the declarations Doheny was acting within the scope of his authority as an agent of his corporations and admitted the testimony. There having been a preliminary showing before the court that the leases were negotiated by Doheny on behalf of the defendants and as their agent, and that those matters were the very matters brought for investigation before the Senate committee, we are not convinced that the court's ruling was erroneous. There can be no question but that the declarations of an officer or agent of a corporation, even though they consist of a narrative of past facts, may, under appropriate circumstances, be admitted in evidence against the corporation, nor does the admissibility of such declarations necessarily depend upon the length of time that has elapsed between the occurrences and the declarations. (10 R. C. L. 978.) Clearly, if any officer of the defendant corporations was authorized to bind them by declarations after the event, it was Doheny. As president of both companies, he had negotiated the agreements and had executed the same. The scheme to pay for tankage facilities construction and fuel oil by Government royalty oil originated with him and Fall. He was the dominating figure and the administrative officer by whom the business of the corporations was conducted, and acts done by him within the scope of the corporate powers were presumably duly authorized. At the time when the declarations were made there were pending transactions between the plaintiff and the defendants to which the declarations were pertinent, for the contracts and leases were in active operation and their validity was being investigated by the Senate committee. The defendants were interested in vindicating the contracts, and it was to their interest to show that the $100,000 transaction was a purely personal one and in no way related to the procurement of the contracts. The declarations were also against the interest of the declarant and no other means of obtaining the evidence were available to the plaintiff.

Among the cases tending to support the ruling of the trial court are Chicago *v.* Greer (9 Wall. 726); Xenia Bank *v.* Stewart (114 U. S. 224); Fidelity & Deposit Co. *v.* Courtney (186 U. S. 342); Joslyn *v.* Cadillac Automobile Co. (177 Fed. 863); C., B. & Q. R. R. Co. *v.* Coleman (18 Ill. 298). In Rosenberger *v.* H. E. Wilcox M. Co. (145 Minn. 408) the court said: "The fact that this transaction occurred some time after the contract of sale of the stock, and that the statement was an admission as to facts existing when the contract was made, is not decisive. An agent of a corporation, if acting within the scope of his authority, may make an admission in behalf of the corporation as to a past transaction, just as a natural person or his authorized agent may do so."

It is contended that the act of June 4, 1920, conferred upon the Secretary of the Navy ample authority to enter into the exchange contracts of April and December, 1922. We can not think that by the use of the word "exchange" in the act which was a rider to the appropriation bill of June 4, 1920, it was the intention of Congress to bestow upon the Secretary of the Navy power to dispose of the oil products of the naval reserves in the manner in which it was done in the contracts and leases here in question. The act, after giving the Secretary possession of the naval reserve lands, etc., authorized him "to conserve, develop, use, and operate the same in his discretion, directly, or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from lands within the reserves, for the benefit of the United States. * * * *Provided further*, That such sums as have been or may be turned into the Treasury of the United States from royalties on lands within the naval petroleum reserves prior to July 1, 1921, not to exceed $500,000, are hereby made available for this purpose until July 1, 1922." The power to lease, following as it does the authority to conserve, was evidently to be used as a protective measure to prevent drainage of the naval reserve lands from adjacent oil drilling. The power to sell so conferred necessarily carried with it the legal obligation to turn into the Treasury of the United States the proceeds of sales. If anywhere in the act there is authority to justify the execution of the contracts and leases in question here, it must be found in the word "exchange." The opinion of the Judge Advocate General of the Navy was that the authority thus granted to exchange was "unrestricted," which could only mean that the Secretary of the Navy would exchange all oil in the naval reserve and all royalty oils for any purpose for which he saw fit. The defendants do not go so far as that. They assume that the authority to exchange is limited to exchanges for fuel reserve purposes. We find nothing in the act which imposes such a limitation and we think it clear that the word "exchange" embraces either the broad authority which was found by the Judge Advocate General, or that the intention was to limit the exchange by the words of the accompanying proviso "not exceeding $500,000," and that the exchange intended was an exchange of crude oil for fuel oil for the current use of the Navy, the then existing depots of fuel oil for current use having been authorized by express acts of Congress. The act of June 4, 1920, bestows no express authority to create fuel depots. If the power to exchange be extended beyond exchange for current fuel oil or facilities for the storage of royalty oils not to exceed $500,000, there is no limit to it.

There can be no middle ground. Either the intention was that the power was thus to be limited or it was absolutely without limit, and under it the Secretary of the Navy might have exchanged crude oil for battleships or airplanes, or anything else which he deemed to be of benefit to the Navy, and all this in addition to the millions contracted to be extended for the storage facilities at Pearl Harbor and the filling of the same, the total estimate for which, according to the testimony of Admiral Robison, was $103,000,000. As early as August 31, 1842, Congress, under its constitutional authority to provide and maintain a Navy, enacted that "the Secretary of the Navy may establish in such places as he may deem necessary suitable depots of coal and other fuel for the supply of steamships of war" (Rev. Stat. 1552). On March 4, 1913 (37 Stats. 893), on account of the establishment of fuel depots by the Secretary of the Navy, which had subsequently been abandoned, Congress, on the recommendation of the House Committee on Naval Affairs, "in the interest of economy" repealed section 1552, Revised Statutes, and at the same time made an appropriation for the completion of a coaling plant and oil tanks at Pearl Harbor. Thereafter annual appropriations were made for fuel oil storage at various points, the largest appropriation for that purpose being $200,000. For the year 1921 an appropriation of $1,000,000 for storing oil at Pearl Harbor was requested by the Chief of the Bureau of Yards and Docks of the Navy, but the request was denied and no appropriation for that purpose was made for that year. Nor was any made for any subsequent year, obviously for the reason that none was applied for.

It is not conceivable that by the rider to the appropriation bill Congress intended in that casual way to surrender its legislative functions as to the control and disposition of the naval oil reserves and the establishment of fuel-oil depots for the Navy, to revolutionize the established method of transacting the public business of the United States, and to repeal, so far as they relate to the oil reserves, sections 3732 and 3733, Revised Statutes, and sections 6884, 6885, 6886, and 6873, Compiled Statutes of 1918, which forbid the making of contracts to bind the Government beyond the amount appropriated therefor unless otherwise specifically provided, and section 3709, Revised Statutes, which makes competitive bidding and advertising indispensable to the making of all such contracts, and sections 3617 and 3618 of Revised Statutes, which makes it obligatory to turn into the Treasury of the United States all proceeds of sales of royalty oils, as was done prior to June 4, 1920, and as was expressly provided by the act of February 25, 1920. If such had been the intention, it is but reasonable to assume that it would have been expressed in terms so clear as to exclude all doubt. The construction placed upon the act by the officers of the Government to whom were delegated the powers conferred thereby is of no value as indicating the meaning of the act. The evidence is that the Secretary of the Interior and the representatives of the Department of the Navy, who were most interested and active in furthering the Pearl Harbor scheme, were doubtful of their authority to engage in it and intentionally refrained from giving out information concerning the same and withheld from Members of Congress knowledge of their action through fear that they would encounter trouble from Congress. Clearly any such contract is illegal unless made in pursuance of authority previously given by Congress.

It is no answer to these considerations to say that the contracts were beneficial and that the United States received full value for every dollar expended thereunder. Said the court in Filor *v.* United States (76 U. S. 45): "The officers at Key West did not represent the United States except in their military capacity, though assuming to do so. In signing the agreement and in taking possession of the premises claimed by the petitioners they acted on their own responsibility. Their unauthorized acts can not estop the Government from insisting upon their invalidity, however beneficial they may have proved

to the United States. If the petitioners are entitled to compensation for the use of the property they must seek it from Congress."

The defendants, referring to the fact that the record contains no finding that the contracts or leases were harmful or that the Government was damaged thereby, contend that the suit may not be maintained without proof of pecuniary damage to the United States. To that we can not agree. As indicating pecuniary damage the trial court directed attention to the fact that the Government had for a period of 15 years parted with possession of the oil and petroleum products of its naval oil reserves, and had been deprived of its right to make more valuable contracts and leases than those which were made with the defendants and to obtain the benefits of competition for leases, and passing by those considerations as not necessarily pertinent to the case, the court based its decree upon the right of the United States to be restored to the use and possession of its naval oil reserves, which through fraud, undue favoritism, and misconduct of its officers had been relinquished to private enterprises. We think the ground so taken by the trial court was justified. Applicable to this question are the authorities cited later in this opinion on the question of the obligation of the United States to accord the defendants equity. In Heckman *v.* United States (224 U. S. 413, 439), upon the right of the United States to invoke the equity jurisdiction of its courts, the court said: "It was not essential that it should have a pecuniary interest in the controversy. In United States *v.* Carter (217 U. S. 286), it was held that the fact that the United States had suffered no pecuniary damage from a fraud committed against it did not prevent recovery. In Hammerschmidt *v.* United States (265 U. S. 182, 188), the Chief Justice said: "To conspire to defraud the United States means primarily to cheat the Government out of property or money, but it also means to interfere with or obstruct one of its lawful governmental functions by deceit, craft, or trickery, or at least by means that are dishonest. It is not necessary that the Government shall be subjected to property or pecuniary loss by the fraud, but only that its legitimate official action and purpose shall be defeated by misrepresentation, chicane, or the overreaching of those charged with carrying out the governmental intention."

We are unable to affirm the court below in holding that the United States, in order to obtain the relief which it sought, is required to credit the defendants with the sums which they expended under the leases and contracts, and in holding applicable to the case the maxim that he who seeks equity must do equity. That maxim is as old as equity itself and is of almost universal application. It means that he who seeks the aid of an equitable court subjects himself to the imposition of such terms as the settled principles of equity requires. But the maxim is only a guiding principle and not an exact rule governing all cases, Hanson *v.* Keating (8 Jur. 949).

In that case the vice chancellor said: "It is a rule which per se can by no possibility decide what the rights of the defendant are. It only raises the question what equity, if any, the defendant has against the plaintiff in the circumstances of the case to which the rule is sought to be applied." And it is held that the maxim is restricted to cases where the plaintiff is wholly without remedy at law and is entirely dependent upon a suit in equity for relief. (Gilliat *v.* Lynch, 2 Leigh 493; Scott *v.* Scott, 18 Gratt. 150; Dranga *v.* Rowe, 127 Cal. 506.) Here the plaintiff had a remedy at law, but resorted to equity to avoid a multiplicity of suits. It is well settled also that the maxim is not applicable in the case of a suit by the United States to vindicate its dominion over the public lands and to avail itself of substantial rights under statutory provisions. In United States *v.* Trinidad Coal Co. (137 U. S. 160, 170), Mr. Justice Harlan said: "If the defendant is entitled, upon a cancellation of the patents fraudulently and illegally obtained from the United States, in the name of others for its benefit, to a return of the moneys furnished to its agents in order to procure such patents, we must assume that Congress will make an appropriation for that purpose when it becomes necessary to do so. The proposition that the defendant having violated a public statute in obtaining public lands that were dedicated to other purposes can not be required to surrender them until it has been reimbursed the amount expended by it in procuring the legal title is not within the reason of the ordinary rule that one who seeks equity must do equity; and if sustained would interfere with the prompt and efficient administration of the public domain." In Heckman *v.* United States (224 U. S. 413, 447), Mr. Justice Hughes, answering the contention that there should be equitable restoration before enforcement of the law in a case involving the violation of statutory restrictions on the alienation of Indian lands, said: "The effectiveness of the acts of Congress is not thus to be destroyed. The restrictions were set forth in public laws and were matters of general knowledge. Those who dealt with the Indians contrary to these provisions are not entitled to insist that they should keep the land if the purchase price is not repaid, and thus frustrate the policy of the statute." In Causey *v.* United States (240 U. S. 399, 402), Mr. Justice Van Devanter, after observing that the public lands are held in trust for all the people, and that in providing for their disposal Congress has sought to advance the interest of the whole country by opening them to entry under restrictions, said: "And when a suit is brought to annul a patent obtained in violation of these restrictions the purpose is not merely to regain the title, but also to enforce a public statute and maintain the policy underlying it. Such a unit is not within the reason of the ordinary rule that a vendor suing to annul a sale fraudulently induced must offer and be ready to return the consideration received. That rule, if applied, would tend to frustrate the policy of the public land laws; and so it is held that the wrongdoers must restore the title unlawfully obtained and abide the judgment of Congress as to whether the consideration paid shall be refunded." In line with the foregoing decisions are Washington Sec. Co. *v.* United States (234 U. S. 76); United States *v.* Poland (251 U. S. 221), and Diamond Coke & Coal Co. *v.* Payne (271 Fed. 362).

To the proposition that the equitable claims of the Government appeal to the conscience of a chancellor with no greater force than do those of private citizens under like circumstances, the defendants cite, among other cases, United States *v.* Stinson (197 U. S. 200) and United States *v. The Thekla* (266 U. S. 328). In the first of these cases a suit was brought by the United States to set aside patents alleged to have been fraudulently acquired. The decision was that in such a suit the Government is subjected to the same rules as is an individual respecting the burden of proof, quantity and character of evidence, and presumptions of law and fact, and that in a case of that kind equity will protect the rights of an innocent purchaser for value and without notice. In the second case a libel had been filed by the owners of the *Luckenbach* against the bark *Thekla* for damages resulting from a collision. The owners of the bark filed a cross libel. The United States became a party libellant as owner pro hac vice of the *Luckenbach* and made claim thereto and filed a stipulation to pay any amount awarded against that vessel by the final decree. Concerning the effect of the claim and the stipulation the Supreme Court said: "When the United States comes into court to assert a claim it so far takes the position of a private suitor as to agree by implication that justice may be done with regard to the subject matter. The absence of legal liability in a case where but for its sovereignty it would be liable does not destroy the justice of the claim against it." The propositions involved in those cases are not in dispute here. But the defendants cite also cases such as United States *v.* Debell (227 Fed. 775) and United States *v.* Midway Northern Oil Co. (232 Fed. 619), which apply the equitable maxim to the United States when it resorts to equity in suits of the kind there involved. There can be no doubt that where a patent to public land has been acquired by fraud and the patentee has conveyed the land to an innocent purchaser for value the remedy of the United States is to resort to a suit in equity to set aside the patent, the patent having been issued in due and proper form and under authority of law as attested by the action of the officials of the land office. In so doing the Government being required to seek equitable relief, must as incident thereto deal equitably with defendants who in good faith have acquired title from the patentee, and there can be no doubt that in a suit brought by the United States for accounting against trespassers who entered upon public lands in good faith through a mistake of law and in the belief that they could acquire title under the mineral laws, the plaintiff will be required to do equity. But in the present case, although the suit is in form a suit to cancel leases of the public domain, the United States is not seeking equity. It is but fulfilling its duty to protect the public domain and to compel compliance with fundamental laws of the United States. To do what the defendants here claim to be equity would be to require the court to exercise functions which belong to the legislative branch of the Government, to legalize demands founded upon violations of the laws of the United States, and to make judicial disposition of the public resources of the United States.

To hold in the present case that the defendants have equities which demand the protection of the court would be to ignore the fundamental distinction between cases brought to determine rights as between the United States and citizens depending upon contracts made under the authority of the laws of the United States and cases in which the contracts have been made without authority of law or in violation thereof.

In the Floyd Acceptances (74 U. S. 666, 680) it was said: "Our statute books are filled with acts authorizing the making of contracts with the Government through its various officers and departments, but in every instance the person entering into such a contract must look to the statute under which it is made, and see for himself that his contract comes within the terms of the law." That doctrine is exemplified in numerous decisions: Whiteside *v.* United States (93 U. S. 247); Hooe *v.* United States (218 U. S. 322); Chase *v.* United States (155 U. S. 489); Sutton *v.* United States (256 U. S. 575).

Credit for moneys expended by the Petroleum Co. in drilling and operating oil wells and making improvements on Naval Reserve No. 1 could be allowed only on the theory that said corporation committed innocent trespass upon the naval reserve and in good faith expended said money and made said improvements. The mala fides of the trespasses, however, follows from the findings of the court below. That such credits could lawfully be decreed only in a case where the trespass upon the lands was innocently made in good faith is well

established. Pine River Logging Co. *v.* United States (186 U. S. 279); Wooden Ware Co. *v.* United States (106 U. S. 432); Union Naval Stores *v.* United States (240 U. S. 284).

The decree of the court below, so far as it awards affirmative relief to the United States in ordering the cancellation of the leases and contracts and commands the defendants to surrender possession of the lands mentioned in the bill of complaint and enjoins them against trespassing thereon or removing property therefrom, is affirmed. That portion of the decree which directs that the defendants be credited with the cost price of the storage facilities for crude-oil products at Pearl Harbor and the cost price of the fuel oil contents thereof and the actual expenditures of money in drilling and putting on production any wells drilled under the leases is reversed, and the cause is remanded to the court below for further proceedings in accordance with the foregoing opinion.

(Indorsed:) Opinion. Filed January 4, 1926.

F. D. MONCKTON, *Clerk*,
By PAUL P. O'BRIEN, *Deputy Clerk*.

## MONUMENT TO MAJ. BENJAMIN MAY

Mr. OVERMAN. Mr. President, I ask unanimous consent to have printed in the RECORD an address by Hon. CHARLES L. ABERNETHY, Member of Congress from North Carolina, at Farmville, N. C., on November 19, 1925, upon the occasion of the unveiling of a monument to Maj. Benjamin May, a Revolutionary hero and patriot.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

ADDRESS UNVEILING MONUMENT MAJ. BENJAMIN MAY, A REVOLUTIONARY HERO AND PATRIOT, BY HON. CHARLES L. ABERNETHY, MEMBER OF CONGRESS FROM NORTH CAROLINA, AT FARMVILLE, N. C., ON NOVEMBER 19, 1925

Ladies and gentlemen, the great and successful men of history are commonly made by the great occasions they fill. They are those who have faith and vision to meet the occasion and measure up to it.

It is encouraging to note that North Carolina is beginning to write her history and to make known to the world that we have a place in the galaxy of States no less worthy than the others.

Since the year 1808 a patriot and Revolutionary hero has rested in an unmarked grave, and the task has remained to the North Carolina Historical Society and his descendants under the auspices of the Daughters of the American Revolution this day to erect a bowlder and tablet that future generations may profit by the example of the life of so great and good a man.

It has fallen to my lot to speak to you to-day of this hero, Maj. Benjamin May. Born in Scotland, on March 17, 1736, and died August, 1808. He moved to this country as a young man and settled in the upper part of Pitt County. He married Mary Tison, born April 6, 1748, and died January, 1800, and there was born of this marriage, Benjamin May, William May, James May, John May, Polly May, Clara May, and Sally May, and others whose names I have been unable to verify. Benjamin May, the second, married Penelope Grimes, and from the records of a division of his lands there were the following children: Nancy May, who married William Williams; Turner May, John May, James May, Polly May, who married Jesse Speight; Patsey May, Louisa May, Benjamin May, the third; Penelope May, who married Moses Tison. Benjamin May, the third, who married Mary A. E. Williams, and from this marriage there were born the following children: William May, Martha May, Mary May, Penelope May, and Benjamin May, the fourth.

It is not my purpose to undertake to run down the various lines of descent, as I have not the information at hand and it would be impossible for me to get it correct, but I have contented myself by giving you the names of some of the descendants as I have them and shall leave the tracing of the other lines of descent to those who have the family records and data at their disposal. I would suggest, however, in this connection, while there are so many descendants of this illustrious man present, that an association should be formed to complete the various lines of descent.

Major May was a justice of the peace, a captain of the militia of Pitt County, a member of the committee of safety of Pitt County, a patroller, a major in the Revolutionary Army with a fine military record, a member of the Provincial Congress of North Carolina held at Halifax in 1776, in which Congress he made a most splendid record. He lived in a day that tried men's souls. A conspicuous service rendered by him in addition to his great military service was on the committee of safety for the county of Pitt. In all our history there had been nothing like these committees of safety, born of necessity, originating in the political and economic confusion of the time, they touched the lives of the people in their most intimate affairs, and gradually extended their jurisdiction until they assumed to themselves the functions of government. Governor Martin characterized them as "extraordinary tribunals." In every respect they were extraordinary, insurrectionary, and revolutionary.

I commend to those present who have not done so to read the accounts of the meetings of this committee in the Colonial records. It has been said of these committees that neither wealth nor position could purchase immunity from their inquisition; neither poverty nor obscurity was accepted as an excuse for disobedience. Social and commercial ostracism was the favorite weapon used to enforce the decrees of the committee, and few there were with spirit and courage to withstand it.

It was in Martinborough on October 4, 1774, that returns showed that Mr. May, with others, was elected as a member of the committee of safety. Probably the most important meeting of this committee was July 1, 1775. The document which was spread upon the minutes of the meeting was a veritable declaration of independence. It is a document breathing the spirit of free men, yet couched in language that could not offend the King, yet serving him with notice of their rights guaranteed as loyal subjects. It is a masterpiece as a great diplomatic state document and deserves to be placed among other great documents of history proclaiming human rights. It reads as follows:

"We, the freeholders and inhabitants of the county of Pitt and town of Martin, being deeply affected with the present alarming state of this Province and of all America, do resolve that we will pay all due allegiance to His Majesty King George the Third, and endeavor to continue the succession of his crown in the illustrious House of Hanover as by law established against the present or any future wicked ministry or arbitrary set of men whatsoever, at the same time we are determined to assert our rights as men and sensible that by the late acts of Parliament the most valuable liberties and privileges of America are invaded and endeavor to be violated and destroyed, and that under God the preservation of them depends on a firm union of the inhabitants and a sturdy, spirited observation of the resolution of the General Congress, being shocked at the cruel scenes now acting in the Massachusetts Bay and determined never to become slaves to any power upon earth, we do hereby agree and associate under all types of religion, honor, and regard for posterity that we will adopt and endeavor to execute the measures which the General Congress now sitting at Philadelphia conclude on for preserving our constitution and opposing the execution of the several arbitrary illegal acts of the British Parliament, and that we will readily observe the directions of our general committee for the purpose aforesaid, the preservation of peace and good order and security of individuals and private property."

Again on August 23, 1775, there were 77 persons, as representing the committee of safety of Pitt County, gave to the world the following great declaration of principles:

"The subscribers professing our allegiance to the King, and acknowledging the constitutional executive powers of government, do solemnly profess and testify and declare, that we do absolutely believe that neither the Parliament of Great Britain nor any member or constituent branch thereof have a right to impose taxes upon these colonies to regulate the internal policy thereof, and that all attempts, by fraud or force, to establish and exercise such claims and powers are violations of the peace and security of the people and ought to be resisted to the utmost, and that the people of this Province, singly and collectively, are bound by the acts and resolutions of the Continental and Provincial Congresses, because in both they are freely represented by persons chosen by themselves, and we do solemnly and sincerely promise and engage, under the sanction of virtue, honor, and the sacred love of liberty and our country, to maintain and support all and every the acts, resolutions, and regulations of the Continental and Provincial Congresses to the utmost of our power and abilities. In testimony whereof we have hereto set our hands, this 23d day of August, 1775."

While Mr. May took a conspicuous part in these meetings of the committee of safety, and as a patroller he felt the call to arms, and his wisdom, sagacity, and courage fitted him as a leader in the War of Independence. He as early as 1773 had been chosen as a captain of a company.

The field return of the regiment of militia for Pitt County at a general muster the 18th day of November, 1773, designates Company No. 6, Benjamin May, captain; Jacob Tison, lieutenant; and James May, ensign. In this company there were 3 sergeants, 3 corporals, 1 drummer, 53 under arms, 9 absent; making a total of 72 in the company.

On the 17th day of July, 1775, the committee of safety of Pitt County accepted the various companies and their officers and one of the companies was organized with Benjamin May, captain; Samuel Truss, lieutenant; and Thomas Wallace, ensign.

At a council held at Kingston the 30th day of July, 1779, it was resolved that the governor be advised to appoint Edward Salter, lieutenant colonel; Benjamin May, first major; and John Enloe, second major in the Pitt Regiment.

On November 12, 1776, the members returned as elected to the Provincial Congress from Pitt County were as follows: Messrs. Benjamin May, William Robson, James Gorham, George Evans, and Edward Salter.

In the Provincial Congress Mr. May was one of the appointed ones to receive, procure, and purchase firearms for the use of the troops under certain regulations connected therewith.

He served his country with distinction and honor.

We find in Wheeler's North Carolina history that Benjamin May was a member of the senate from Pitt County for the years 1809, 1810, 1811, and 1812. Benjamin May was a member of the house of commons the years 1804, 1805, 1807, 1809. Whether this was Maj. Benjamin May or his son, Benjamin May, I do not know.

In civil life Mr. May was a large landowner and also a large slave owner. The records, deeds, bills of sale, and old papers and receipts found in the possession of some of his descendants are most interesting and evidence his great activity in civil life. He was called upon as the personal representative to settle many estates for his neighbors. One very interesting document in the form of an unsigned memorandum, that has withstood the ravages of time, came to light in my search among old papers, and it may interest you as his descendants. It is as follows:

| | |
|---|---|
| 1 barrel brandy to Ben May | 12–19–6 |
| 1 barrel brandy to Ben May | 12–19–6 |
| 6½ gallons brandy Ben Riland | 10– 3–5 |
| 65 barrels corn to Samuel Alberson | 25 |
| 5 barrels corn to Josiah Bundy | 25 |
| Arthur Forbes | 24 |

I give this information without comment other than to say that there have been considerable changes in the times.

Another priceless document found among his old papers is a military commission signed by Gov. Benjamin Smith in blank. All that Major May had to do was to fill in the blanks. The blank commission has the governor's genuine signature and that of his private secretary, and also the great seal of the State already affixed to it. What greater confidence could be bestowed on any man, and by the governor, captain, general, and commander in chief.

Major May made a last will and testament, but I have been unable to find the original or any copy of it extant. The burning of the courthouse in Pitt County destroyed many valuable records pertaining to this great man. I found recorded in book M, page 251, register of deeds' office for Pitt County, a deed of gift from Major May to his son, Benjamin May, jr., dated March 25, 1790, and the record of division of the lands of Benjamin May in 1818, which is recorded in the register of deeds' office for Pitt County and can be found there, and which gives the names of his children, which is evidently the division of the lands of Benjamin May, jr.

I have run across an old receipt which will be of interest to Major May's descendants. It is as follows:

"We, the undernamed subscribers, have each of us received of Benjamin May, William May, and James May, executors of Benjamin May, deceased, the sum of $1,000 in full for legacies left our wives in said Benjamin May, deceased, will and in full for all the residue of said estate that was coming to each of them. We also agree that if ever any debts ever comes against the estate of said deceased to pay our proportionable part of whatsoever they should pay. Given under our hands and seals this 10th day of February, 1810.

| | | |
|---|---|---|
| "(Signed) | SAM VINES. | [SEAL.] |
| | "JAMES ALBRITTON. | [SEAL.] |
| | "JOHN JOINER. | [SEAL.] |
| | "JAMES STANTON. | [SEAL.] |
| | "WM. MCKINNEY. | [SEAL.]" |

Major May, from the best records obtainable, died in 1808. We know from the receipts given by his sons-in-law to his executors that it was prior to February 10, 1810.

There are other documents and records pertaining to Major May but it is not practical to give them to you in this address. I have only dealt with what I consider the most important ones I have been enabled to see.

This great man and patriot leaves behind him a long line of distinguished descendants and it is well that they are undertaking by this monument and these ceremonies to place his name, where it rightfully belongs, among the State's most illustrious sons. There can be no richer heirloom than the memory of a noble ancestor. Such was Maj. Benjamin May.

SUPPLEMENTAL ESTIMATE, YAKIMA PROJECT, WASH. (S. DOC. 43)

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, fiscal year 1927, for the Department of the Interior, Bureau of Reclamation [Yakima project (Kittitas division), Washington: For continuation of construction and incidental operations], in amount $2,000,000; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

THE WORLD COURT

The Senate, in open executive session, resumed the consideration of Senate Resolution 5, providing for adhesion on the part of the United States to the protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice, with reservations.

The VICE PRESIDENT. The Senator from Missouri [Mr. REED] is entitled to the floor.

[Mr. REED of Missouri yielded to Mr. GOFF and several other Senators to present reports from committees and to introduce bills, which appear under the proper headings.]

Mr. REED of Missouri. I think, Mr. President, the interruptions to present routine morning business illustrate the necessity for a morning hour in the Senate; but I am glad to yield to my colleagues for their accommodation, of course.

Mr. President, on yesterday I sent to the desk and had read as a part of my remarks an article written by Andrew Carnegie, advocating two propositions: First, that the United States never ought to have set up its independence and rebelled against King George III, and, second, that we must, in the course of things, go back under the British flag. When I sent the article to the desk I stated to the Senators who are conducting this fight for entrance into the court that I was wearied with speaking, and that I was entirely willing to have the article printed in the RECORD if the Senate could be adjourned, so that I could resume the floor this morning, after having had a night's rest. My suggestion was refused. Therefore I allowed the reading of the article to continue, simply because I was not physically able, without great suffering, to occupy the floor and finish my remarks at that time.

Mr. President, the request I made was for a courtesy which has been almost universally extended in this body. It was extended in this debate to one Senator who desired to speak on three different occasions; he was indulged. It is always extended when the spirit that ought to prevail in the Senate is adhered to.

The article I had read from the desk, which was exactly the same as though I had read it myself, is an article of the utmost importance in my opinion. In the opinion of the censor of the Senate it may have been unimportant. That is a difference of intellectual slant and perhaps of intellectual capacity. It is important because the money of Andrew Carnegie, who advocated our reentrance into the British Empire, is now at this moment being employed to put over this measure now before the Senate. It is employed, of course, outside of the Senate in attempting to create sentiment. It is important because he originated a large number of societies in Europe that have consistently advocated the doctrine of internationalism ever since this article was written and those associations were formed. It is important because the lawyers employed by his money to-day are among those who are the most earnest advocates of internationalism. It is, in my opinion, I will not say the origin but one of the principal sources of this movement which to-day threatens our country.

The Vice President on last evening delivered himself over the radio. I do not intend to attack the Vice President from this floor. He has no opportunity to reply, and when I see fit to attack a man in debate I always want to do it where he can answer. It would, in my opinion, be indecent to attack him from the floor, and I leave to his sense of decency whether it was decent for him to have attacked me over the radio last night when I was not present. That, of course, is a matter of taste. Every man has his code of honor and his code of ethics, and we must all decide those questions for ourselves.

The VICE PRESIDENT. If the Senator from Missouri will permit me to make a brief statement, as a matter of fact, I had reference to an article which was read at the request of the Senator from New York [Mr. COPELAND], and did not have in mind at all the article which was read at the request of the Senator from Missouri.

Mr. REED of Missouri. Then, Mr. President, you have been very indifferently and improperly reported by all of the newspapers, for I read in the press of this morning a statement which contains my name. I am glad, however, to have the Vice President make that statement.

Mr. COPELAND. Mr. President——

Mr. REED of Missouri. Just one moment. What I wanted to call attention to, and which it is proper I should call attention to, is a statement of fact made to the country. I read it:

> I am speaking to an intelligent audience. You understand what it means to have individuals stop the wheel from turning. There are 110,000,000 people vitally interested in the tax bill, and when such a piece of legislation is before a great body like our United States Senate you should not permit a man to go up there and read magazine articles, newspapers, or something else irrelevant.

That is practically an assertion that the tax bill was before the Senate, and that it was held up by the reading of the article which I sent to the desk. That statement of fact I can not allow to go unchallenged. The tax bill was not before the Senate. The tax bill was not reported to the Senate until

this morning. The tax bill was not held up one second by the reading of that article or one second by anything I have said or done. It would be well for the supercritics of this country to know a little about what they are talking about before they fulminate in the air, a habit which seems to have fastened upon some of them.

Mr. President, not only is it true that I have not held up the tax bill, but although I had three important amendments for which I desired to gain the consideration of the committee, when the committee informed me that they were practically ready to report I consented to waive consideration of my amendments by the committee before the report came in, with the understanding that after the report was made I could then have some consideration given by the committee to these amendments, and they could be reported as committee amendments on the floor without delaying the bill a moment.

I want to see a tax bill passed—I will not say the particular one reported, for I assume it may be amended on the floor and I may desire to offer amendments—but I want to see it passed; and if it is held up from consideration on this present day it is because the proponents of the World Court, the league court, insist that the league debate shall take precedence of the tax bill.

We who are for a tax bill are willing to lay aside the World Court proposition and proceed this morning to the reading of the revenue measure. I will yield the floor at this moment to the chairman of the Finance Committee to take up the tax bill, if he will move to take it up for consideration; and I can hardly conceive of a proposition that would be accepted with more joy by the Members of the Senate than my proffer of leaving the floor in order to get up this bill.

You who are for the tax bill, you people who want to lift the burdens from the taxpayer, have but to rise in your places at this moment and accept my proposition; and I pause for a reply.

No reply having been made, the distinguished champion of this measure sitting here as mum as the proverbial oyster, but with a much more intelligent expression of countenance, I charge that the responsibility for delaying the tax bill is upon those who will jeopardize the passage of that great measure in time to relieve the people. It is not upon those of us who say that we have done without a league court ever since Adam was a boy, that this particular court has been in existence a good while, that we have struggled along without it, and that we could still postpone entering this foreign court to submit America's interests to a body of foreigners long enough to relieve the American people without doing any great violence to this Nation's future.

If we want time to debate this measure—and, Mr. President, we propose to occupy all the time necessary, and no more than is necessary—we will debate it. When it is proposed to reverse the policies of Washington, and Jefferson, and Lincoln, to reverse our national policies as they have existed from the first, when it is proposed to embroil this country in the wars and contests of Europe, the question is of sufficient importance to warrant a reasonable debate. That debate we intend to have, but you can have it after the tax bill is passed if you want it; and again I say, if you want the tax bill considered, say so now and I will yield the floor; and if there be delay in passing that bill, let the responsibility rest where it should—on those who prefer internationalism to relief of the American taxpayer.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED of Missouri. I do.

Mr. HEFLIN. If the Senator refers to me, I for one am in favor of disposing of the World Court proposition before we take up the tax bill.

Mr. REED of Missouri. I understand perfectly that my friend is, and I have no criticism of him; but I hope and I know that the Senator from Alabama will not criticize me for insisting that we have the right to full debate of the World Court proposition.

Mr. HEFLIN. I agree to that; and we have debated this question since the 1st of December, and I think two or three days more will give every Senator here ample time to discuss it.

Mr. REED of Missouri. Perhaps. Yesterday we debated it, and while we were debating it my good friend took something like an hour of the time in discussing a question which I think was utterly irrelevant to that proposition; and I do not complain of that. He had the right to do it.

Mr. HEFLIN. And the Senator from Missouri had read an essay from Carnegie that is nearly as old as I am.

Mr. REED of Missouri. That is true. It is nearly as old as the Senator, and the Senator is following it to-day. The Senator is following the torch lighted by Andrew Carnegie.

Mr. HEFLIN. I am following the torch of anybody who is leading toward world peace and against war.

Mr. REED of Missouri. Yes, of course; and the Senator knows that this will lead toward peace. A prophet, standing on the heights and looking down the coming centuries, knows that this will bring peace.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New York?

Mr. REED of Missouri. When I read this statement I will yield to the Senator from New York. I ought to yield to him.

Mr. HEFLIN. Mr. President, is not the Senator making himself a prophet when he is telling us of the dire evils that may come of this thing if we go into the court?

Mr. REED of Missouri. No, sir; I am not making myself a prophet. I am standing on the history of my country, upon her traditions and her policies, and I am challenging the change of those conditions until it shall be demonstrated that the change will be beneficial; and when I find that those policies are to be reversed, when I find that it is proposed to take the United States into European conflicts, then I am not acting as a prophet. I am acting as a patriot. I am not an internationalist. Let those who think more of Europe than they do of the United States essay the business of prophecy.

In a moment I will yield to the Senator from New York. Listen to this from Mr. Carnegie. After he had condemned the Revolutionary War, after he had condemned the revolutionists, after he had said that we should go back into the British Empire, these are the conditions under which he would have us go back——

Mr. HEFLIN. If the Senator will permit me right there, I listened to the reading of that article, and Mr. Carnegie was chiding the British for bringing on the war, and defending the colonists for fighting after the war was brought on.

Mr. REED of Missouri. Oh, Mr. President, the article is here. It speaks for itself. If my friend could not understand that article in any other way than that, then he and I are at such utter difference in regard to the meaning of language that debate would be useless. But here are the terms under which Mr. Carnegie proposed we should come back:

> Numerous as would be the States comprising the reunited Nation, each possessing equal rights, still Britain, as the home of the race, would ever retain precedence—first among equals. However great the number of children who might sit around her in council, there could never be but one mother, and that mother, Britain.
>
> To resolve to enter no federation of the race in which Britain's vote would not outweigh all the others combined would be to assign to Britain a petty future indeed, since the race can not increase much in the United Kingdom and is certain to be soon numbered by hundreds of millions in America. "Think what we lost when we lost you," said a Briton recently to an American. "Ah," replied the American, "but just think what we lost." "What did you lose?" "Britain," was the reply. That was true; the loss was mutual—as the gain from reunion will be mutual. Each in losing itself will regain the other.

I turn that article over to the construction and defense of the Senator from Alabama.

Mr. HEFLIN. I will undertake later on to point out the language that I referred to in that article.

Mr. REED of Missouri. I hope the Senator will.

Mr. President, if that article was not treason, then Eugene Debs never ought to have been sent to the penitentiary, and no "red" ever ought to have been prosecuted in one of our courts.

I yield now, somewhat tardily, to the Senator from New York [Mr. COPELAND].

Mr. COPELAND. Mr. President, I sent to the desk to get a copy of what the Vice President said a moment ago in reply to the Senator from Missouri. I quote:

> If the Senator from Missouri will permit me to make a brief statement, as a matter of fact I had reference to an article which was read at the request of the Senator from New York [Mr. COPELAND] and did not have in mind at all the article which was read at the request of the Senator from Missouri.

Those are the words of the Vice President, uttered 10 minutes ago.

I read from this morning's Washington Herald an article which I had not seen until I came into the Chamber a few moments ago:

> Dawes opened the firing immediately after he was announced by Gen. James G. Harbord, and said:

"I had prepared a few relevant remarks for this occasion, but after listening for an hour and a half this afternoon to the reading of a magazine article published in 1893, read in the Senate, the remarks have completely left me.

"If I were to state here that I propose to read an article, whether it has any bearing on the subject or not, as long as I wish, and that I propose to take up as much of your time as is possible, my statement would be taken as a mere joke. And if I succeeded in making you realize that I was serious, I would hardly expect respect from you.

"The situation, however, is exactly that through which I have been to-day. This seems to be a good time to start a campaign against it."

Mr. President, I listened to a speech made by the Vice President in my city, in which he made an attack on the dignity of the Senate. In his remarks he held up the Senate to ridicule, and he was making what, in effect, seemed like a deliberate effort to undermine the influence and the usefulness of this body. This morning we read that the Vice President is continuing the same sort of attack upon the Senate.

Mr. CARAWAY. In what year was the Senator's article published? Was it 1893? Was that the year the article was published?

Mr. COPELAND. My article?

Mr. CARAWAY. Yes.

Mr. COPELAND. My article, to which possible reference is made, was published yesterday, in 1926, some years after 1893. As a matter of fact, I read no article into the RECORD yesterday. I sent to the desk certain articles from yesterday's papers which, by unanimous consent, are printed in the RECORD, but which I did not read and which nobody else read.

I have no disposition to enter into any debate, either with the Vice President of the United States or anybody else, as to my right and duty as a Senator, but I do resent the inaccurate statement of the Vice President made this morning in reply to the Senator from Missouri.

Mr. REED of Missouri. Mr. President, I shall call attention now to another influence back of this league court movement. Another potential influence is the money and organization of international bankers and financiers. It is not hard to discover their interest. Between the outbreak of the European war and our entrance into the conflict a great group of bankers, headed by Morgan & Co., became the financial agents of all the allied powers. Morgan & Co. advanced to these powers billions of money at high rates of interest. The policy was continued until the close of the war, and is still in active existence. The result is that this group of international bankers, and others who have been playing a similar game, now hold European securities, both national and private, running into many thousands of millions of dollars. Naturally, this entire group would like to see the securities which they obtained at an enormous discount, and which bear excessive rates of interest, and which are affected by European conditions, made absolutely secure. The security will become substantially absolute if the United States can be induced to pursue the policies these international brokers dictate.

Among the demands they have made from the first have been that the United States should enter the League of Nations and thus guarantee the political stability and territorial integrity of every nation of Europe and Asia. They were willing to plunge us into that kind of contract, because our signature thereto would have amounted to an indorsement of every one of their European securities in the blood of America's sons and by the force of America's arms. They were willing to go to this extremity because the moment the United States entered the league the European securities held by this brood of note shavers would at once have gone to or far above par.

In consonance with the foregoing scheme they boldly advocated the cancellation by the United States of all debts owing to it by foreign nations. They cried from the housetops that the United States was the richest nation on earth, and that it could afford to cancel the indebtedness due from the poor, struggling European powers. But while they thus heartily indorsed and advocated the cancellation of the debts due the American Republic, not one of them has ever been heard to suggest the cancellation of the European debts due the American international bankers.

Of course these bankers will understand that if our Government were to cancel the European indebtedness due to it, then every stock and bond held by the bankers would immediately be enormously enhanced in value. In order to gain this direct advantage they were willing for the Government to cancel the European indebtedness, although such a transaction meant the saddling upon the taxpayers of the United States of the debt thus canceled, so that our industries, our labor, our prosperity, would be for perhaps a century compelled to bear the burden.

At this very day the same influences are demanding that we shall settle the indebtedness of foreign countries upon terms which amount almost to repudiation. Recently one of these bankers denounced all those who have insisted that foreign nations should honestly meet their obligations to America as "last centers." He classified them as Shylocks and consigned them to obloquy. At that very time his bank was negotiating a loan of $100,000,0000 to a foreign country. The loan bore 7 per cent interest, was to be discounted 5 per cent, and a commission paid to the gentleman's bank of 9 per cent. So that, speaking in round numbers, the borrowing country would receive only $85,000,000. But it was further stipulated that $50,000,000 of the $85,000,000 should be paid back to this banker in cancellation of an old debt of $50,000,000, the latter having been negotiated upon similar terms or worse than those of the loan just made. Accordingly it appears that, deducting the discounts and commissions upon the two loans, nearly all of the present loan has been absorbed by the present or previous discounts and commissions.

Another influence is an organization created by one Edward Bok. That gentleman will be remembered as a native of Holland. He made his fortune—that is, the part of it which he made—publishing a woman's magazine, and in his own self-laudatory autobiography discloses how artfully he managed his lady clientele.

Mr. Bok will be further remembered as the man who offered a prize of $100,000 for the best plan to promote world peace and advertised widely that all plans would be received and passed upon by a distinguished committee by him selected. A partial investigation by Congress disclosed the fact that probably not one out of a hundred plans submitted was ever turned over to the committee; that the award was made to a certain college professor; that the check went through the banks in a very peculiar way, leaving a strong inference that its proceeds never reached the pocket of the gentleman to whom the prize was awarded. Whether that inference be correct or not I do not say, but the investigation, although partial, left no doubt that the entire scheme was one for the self-glorification of Bok, and that it was to all intents and purposes a hoax and fraud.

In an examination before a committee of the Senate Mr. Bok declined to answer certain questions which were to him embarrassing. These questions touched upon the sources of his money, the money being employed to control American public opinion. Senator CARAWAY asked this question, after Bok had substantially declined to answer:

I have a perfectly honest intent to help you present your plan without prejudice to the American people. I do not think it is at all wrong that you hope that when you yourself find out what America thinks that the Senate might do a wise thing. I am not so hopeful as you, but I see no reason for utterly despairing. I really think you embarrass your friends when you assume the position that you do.

That is, the refusal to answer.

We are conceding that you do it with a perfectly honorable and honest motive.

That is, conceding that what he is doing in his propaganda is honest.

Mr. BOK. I thank you for that. No; I can not see that the amount has any interest whatever—

That is, the amount of money—

beyond to satisfy a certain curiosity. I can see that if there were any other interests with me contributing any part that that would be a question of interest.

Senator CARAWAY. Well, then, on your theory that would be only so far as to know who they were, and not the amount?

Mr. BOK. Well, but as there is no one else, and it is a purely personal matter, I can see no reason for giving amounts.

Again:

Senator CARAWAY. And the amount. And with that viewpoint in mind I hope that you will reconsider.

Mr. BOK. As I said, I think you put it in a very courteous and a very sympathetic way, Senator, and there is nothing to hide at all, except that I feel that that is purely personal with me. The American people seem to want a chance to give an expression, and I am giving it to them, and I am hoping they will.

Senator CARAWAY. And it is perfectly proper.

Mr. BOK. Yes.

Senator CARAWAY. And therefore do not cast any suspicion upon it by not saying how much was spent.

Mr. BOK. I don't think I cast any suspicion on it.

Senator CARAWAY. May I suggest this: A gentleman recently was in high office, and he has a lot of money, and he was asked where he got it. He said he got it from one source. It now develops that he did not get it from that source, and it has become a tremendously important question, and there is a suspicion attached to it because of the fact that he declined to reveal the source from which he got it. And you know, with your wide experience, that the things that sometimes do not appeal to you and me at all may influence the opinions of thousands of equally intelligent and equally honest men and women, and the good way then always, it seems to me, is to reveal everything. The people then know that there is not any sinister motive or an undue influence or an exorbitant expenditure. Why, it robs those people who want to whisper around and stamp out any effort by suspicions. Suspicions sometimes go farther than arguments.

Mr. BOK. You see that I am not declining to reveal the source of the money at all. I say to you frankly it comes from me, and from me alone.

Senator CARAWAY. I am conscious of that.

Mr. BOK. I can not see that the amount of money has any interest.

Then after Mr. Bok refused to disclose the amount of money the Senator from Vermont [Mr. GREENE] undertook to get from Mr. Bok a statement of the amount of money he had spent. He asked him a question, of which I shall only read a part:

But I want to bring to your mind, as I attempted before, whether you were prepared, as a man who has through many years of most beneficent publicity, reaching into all homes of the land, whether you are now prepared to say that a person who can command that marvelous responsibility and obligation should never be under responsibility or obligation to the public to disclose the extent of the means by which he accomplishes it?

So Mr. Bok took his stand upon his answer and refused to disclose the amount of money spent. I shall not encumber the RECORD by reading in detail the rest of that testimony. Here is a great proponent of this scheme spending so much money that he dare not tell how much. I have here upon my desk, and if I were filibustering I would read it into the RECORD, one circular sent out by this concern which discloses the names of people whom they claim are in an organization extending over this entire country, reaching into nearly every hamlet and village.

Mr. President, a moment ago I referred to some of the bankers who have been concerned and who are concerned in trying to drag the United States into Europe. Let me read some of these names of men who are in this movement distinctly and who also are the principal lenders of money upon European securities:

Thomas W. Lamont, of J. P. Morgan & Co.
Norman H. Davis, of J. P. Morgan & Co.
Edward T. Stotesbury, of J. P. Morgan & Co.
Edward R. Stettinus, late partner of J. P. Morgan, who is now deceased.
Dwight W. Morrow, partner in J. P. Morgan & Co.
Charles M. Schwab.
Frank A. Vanderlip.
Elbert H. Gary.
Julius S. Bache.
Fred I. Kent.
Julius H. Barnes.
Owen D. Young, president of the General Electric Co. and author of the Dawes plan.

All of these gentlemen have been decorated by France. I have here a list of others, and Senators will find that it embraces nearly all of the leading men who are in the World Court movement. There is an entire page of a newspaper taken up with a list of decorations. Some of them, of course, are decorations conferred upon soldiers for their valor, and to that kind of decoration I make no objection. But the decorations that have gone to the bankers, to the usurers, and to the international pawnbrokers tell the story of their connection with the French Government and with this movement. That connection and their bonds tell the story.

Mr. President, I repeat that I asked for an investigation of the moneys expended, and it was denied by the proponents of the court. They ran from it. They feared it. They did not dare permit it. They pretended, as an excuse, that the investigation would delay the consideration of this measure. That was not their real reason. They feared it would beat the measure by arousing the American people.

Sir, scores of paid agents are employed to deliver lectures to create sentiment in favor of the court. Scores of writers are hired to compose misleading articles. Even a justice of the Supreme Court was taken from the bench and sent about the country on a barnstorming tour, and I would like to know how much more salary he gets for his efforts to mislead the American people than he received as a member of the Supreme Court of the United States. I would like to know how many ministers have been employed and paid. I would not here be misunderstood. I do not charge ministers generally with being employed and paid.

Most of them undoubtedly are acting in the best of faith and without compensation, but I have reason to believe that some of the more prominent are in the pay of somebody, advocating for money the abandonment of the policies of George Washington.

Mr. President, in response to this sort of propaganda, backed and supported, of course, by many earnest individuals, most of them utterly unacquainted with the protocol of the league or the protocol of the court or the origin and powers of the court, demand is made that we shall at once subscribe our names to an agreement to submit America's destiny to the league court. Appeal is not made to reason and argument but to a natural sentiment against war. Indeed, the chief argument of a distinguished, if not a paid, advocate of the court, who has been touring the country, is a description of the poppies on Flanders field, which he copiously waters with tears from eyes well trained to weep.

As I said on yesterday, to the sentiment against war every decent human heart responds. The question is not whether we are opposed to war. The question is whether by embroiling ourselves in all the controversies of Europe we will escape war or get into all of the wars of the world. That is the question. The question is whether we shall remain, as we did for nearly a century and a half, free from all of the bedevilments and intrigues and wars of Europe, and once in 150 years have been compelled to send our sons to one Flanders field, or whether we shall send them to many other foreign fields where their blood shall add a new crimson to the poppies already reddened by the older European conflicts. For my part, I prefer the policy which for a century and a half kept us out of the embroilments of Europe to a policy which puts us into every contact with their problems and involves us in their disputes.

Twice the American people, in the great assizes to which Mr. Wilson appealed, have by an overwhelming vote decided that the United States shall not enter the League of Nations.

Oh, Mr. President, there were many arguments in favor of entering the League of Nations which can not be advanced for subjection to the court. The advocates of the League of Nations could well say that if the United States joined that body it could exercise a potential influence in all of the activities of the league, that it would have a voice in the creation of the court of the league and the rules and regulations under which the court would function, and would hold a high place in the councils of the so-called court.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to his colleague?

Mr. REED of Missouri. I yield.

Mr. WILLIAMS. I call for a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bayard | Frazier | McMaster | Schall |
| Bingham | George | McNary | Sheppard |
| Blease | Gerry | Mayfield | Shipstead |
| Borah | Gillett | Means | Simmons |
| Bratton | Glass | Metcalf | Smith |
| Brookhart | Goff | Moses | Smoot |
| Bruce | Gooding | Neely | Stanfield |
| Butler | Hale | Norbeck | Stephens |
| Cameron | Harris | Nye | Swanson |
| Capper | Harrison | Oddie | Trammell |
| Caraway | Heflin | Overman | Tyson |
| Copeland | Howell | Pepper | Wadsworth |
| Couzens | Jones, Wash. | Phipps | Walsh |
| Curtis | Kendrick | Pine | Warren |
| Dale | Keyes | Pittman | Weller |
| Deneen | King | Ransdell | Wheeler |
| Dill | La Follette | Reed, Mo. | Williams |
| Ernst | Lenroot | Reed, Pa. | Willis |
| Ferris | McKellar | Robinson, Ark. | |
| Fess | McLean | Sackett | |

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. REED of Missouri. Mr. President, I was saying just before the interruption, and repeat for the purpose of the context, that there were arguments in favor of entering the league which can not be advanced in favor of entering the court. The advocates of the League of Nations could well say that if the United States joined that body it could exercise a potential influence in all the activities of the league; that it would have a voice in the creation of the court, in the rules and regulations under which it would function; that it would hold a high place in the councils of the so-called court; and that, therefore, be-

cause of our power and weight in the league, we could afford to submit our controversies to the latter tribunal. But none of these arguments can now be advanced for our adherence to the court.

We do not sit as a member of the league; we have no voice in its mandates or its policies. We do not sit upon the court; we have no part in its proceedings or decisions. The most ardent advocate of the league can well say, "I was willing to enter the league and the court because I had a voice; I refuse to enter a court which I neither created nor can influence nor control." Nevertheless, the anomaly is presented of a people so infatuated with the idea of a league in which America might have a membership and a potential voice that they are willing to submit America's rights to a totally foreign tribunal in the hope that thereby they may somehow or other gain entrance to the league by the back-door route.

I think it should be observed that the authors of the league and its most earnest advocates have always in the past insisted that we could enter with safety because we could exercise, as they claimed, a control. That position I did not believe to be safe or sound, but it had some reason to support it. I regard the present proposition as sheerly idiotic, not to say disloyal. If the President and the Senate, contrary to the spirit of the mandate delivered to them by the people in the last two great elections, shall sign a contract binding upon this Nation to obey the decrees of a foreign tribunal, then that President and that Senate will, in my opinion, go down in history as utterly indifferent to the plain wishes of the citizens of this Republic.

This thing is called a "court." It possesses not a single attribute of a court of justice. The first qualification of a court is that it shall construe and enforce established laws which have been created or enacted by some authoritative body outside the court. Under what law does this court act? If you answer, "the law of nations," I reply there is no such thing as a law of nations in the sense we employ the term "law." That which is called the law of nations is only a jumble of precedents, sometimes observed during peace, and almost invariably disregarded in time of war.

What, then, is the law under which this body acts? There can be but two answers: First, the mandate of the league; that is to say, laws, rules, or regulations enacted by a body of foreigners, in which we have no part or voice; or, second, the will of the judges themselves. Indeed, this latter doctrine is clearly outlined in the protocol of the court. That is to say, the judges make their own laws; that is to say, they follow their own wills; that is to say, they do exactly as they please; that is to say, we set up an oligarchy asserting the right to try and condemn according to its own sweet pleasure and will. Such an oligarchy can only be established upon the grave of human liberty.

The second attribute of a court of justice is that its members shall be free from all bias, prejudice, or interest. These requirements we impose upon every court of our land. Yet, sir, there is no great international question in which every country of the earth is not substantially interested. No controversy can be imagined important enough to produce a great war in which the majority of the countries represented by the judges on this court will not be directly involved or directly interested.

The Panama Canal tolls question is of direct interest to every country flying its flag upon the high seas. The Monroe doctrine is of direct interest to every European country desiring to expand its territorial possessions upon this continent, and every important country of Europe is afflicted with that identical desire; and all of these countries have a common interest against the policy of the United States. The question of the Dardanelles, the Suez Canal, the control of the Mediterranean and Adriatic, equally involve the interests of many countries. I challenge any man, I challenge him now upon this floor, to name a single great question sufficiently important to involve the world again in war in which a majority of the nations represented on the court will not have a direct interest. I pause for a reply, and none is made.

If it be said that these judges will not be influenced in their opinions by the interests of their respective countries, I answer that the man who can forget his country and its interests is unfit to decide any human question. I answer again that the assertion that men can forget their countries, their bloods, and their traditions of race is denied by every page of history. All this is true if they remain human beings. If, however, they become gods, the case is different; and some of them seem to have that ambition.

I read from the official records of the committee of jurists, to whom the league intrusted the framing of the World Court:

Mr. Adatci, of Japan, expressed his surprise at the discussion. He thought that the court was to be permanent in the literal sense of the word, and that the judges were to resign their national occupations in order to internationalize themselves; as Mr. Adatci liked to express it, to deify themselves.

That is not difficult in Japan. All you have to do in Japan is to get yourself made an emperor or a nobleman and you are at once a god and are worshipped by the people. All the ordinary man has to do is to die, and then he becomes the object of ancestral worship. So Mr. Adatci thinks that you can go on the court and you can be deified; and this man is as likely to sit on the court as any other man from Japan. He sat in the councils of those who were considering the "statute" of the court; and to that kind of mind and that kind of prejudice American Senators would submit questions of American rights! You might as well submit the idea we entertain of the family to men whose foreign birth and alien ideas repudiate our respect for womanhood.

Sir, the third attribute of a court is that it shall possess power to assume jurisdiction not by consent but against the will of the defendant in the controversy. If this court does not possess such power, then it is utterly impotent to prevent war, for nations willing to go to war will not bother to submit their controversies voluntarily to the court. Whenever both parties are willing to arbitrate or submit to a decision, war does not result.

Here I call attention to the colloquy between the distinguished Senator from Montana [Mr. WALSH] and myself. I ask permission to print that colloquy as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Mr. WALSH. Now, I want to get this slant from the Senator. Suppose the United States has such a controversy with some foreign country as we have been accustomed to submit to arbitration, the determination of which we have submitted to foreigners. Of course, it could not be submitted to arbitrators of our own or of the other country. Am I to understand the Senator to be opposed to that policy?

Mr. REED of Missouri. I am glad the Senator called attention to that; but, of course, that is aside from what I am discussing here.

Mr. WALSH. Not at all. The Senator is saying that it is impossible to get people to decide cases upon grounds of justice and the law.

Mr. REED of Missouri. No; I did not say that.

Mr. WALSH. That is my understanding of the argument.

Mr. REED of Missouri. I said that a world court composed of permanent judges appointed by the political powers of other countries will represent those countries on such a court.

Mr. LENROOT. Will the Senator yield at that point?

Mr. REED of Missouri. Let me answer one question at a time. Arbitration is a wholly different proposition from the World Court. In the first place, you do not arbitrate unless two or three things coordinate. First, you have a particular question to arbitrate, and you know what that question is before you talk about arbitration. You are therefore dealing with a concrete thing.

Mr. WALSH. You will be doing the same thing in the case of the World Court.

Mr. REED of Missouri. No; I do not agree with the Senator on that. But let me not be led aside. Let me draw the line between these two principles.

Second, we name an arbitrator, our opponent names an arbitrator, and those two gentlemen name a third. Taking a concrete question, it may be possible to find in all the world some third man who can fairly decide it, and so we can arbitrate certain questions. But what questions? We never arbitrate any question except it be one that, if the decision be against us, no fatal consequences will result. We have never arbitrated a great national policy. We never will arbitrate a great national policy. On the other hand, where there is some concrete question that we are willing to arbitrate, where we have one of the judges, where we have a voice in the selection of the third or determinative vote, where we can find some man whom we may regard as fairly impartial, and where the decision is necessarily limited in its scope, we enter voluntarily and without any obligation whatsoever to enter.

When you come to the World Court, however, you find there representatives of the important countries or groups of countries sitting permanently. If we had a membership upon that court, nevertheless we would have nothing to say with reference to the selection of the other members, and at present we have no membership and no means by which to acquire membership. This permanent court, with its fixed judges, then, is the tribunal before whom we would come. Name me an American question, a question that is great enough to involve our country in war, that we can submit to that tribunal and have a fair and impartial judgment. Name me the question.

Mr. WALSH. We submitted the Alaskan boundary question to arbitration.

Mr. REED of Missouri. I am talking about the World Court. Certainly, we submitted that question to arbitration.

Mr. WALSH. Why are we running any more risk before the World Court than we are before The Hague Tribunal, or were before the Alaskan Boundary Commission?

Mr. REED of Missouri. Let us leave the World Court out for the present and leave the others out.

Mr. WALSH. All right; take the Alaskan Boundary Commission.

Mr. REED of Missouri. The Alaskan boundary dispute was a concrete question, very limited in its scope, one that did not involve the life of this country, and one over which we never would have gone to war with Great Britain. It was just such a problem as has been settled over the diplomatic table every day in the year for the last 2,000 years between the nations of this world, the trifling and small things that never bring war. But would the Senator be willing to submit the Monroe doctrine to this court?

Mr. WALSH. Mr. President, I would not submit the Monroe doctrine to the court, and we are under no obligation to submit the Monroe doctrine to the court. We are at just as perfect liberty to submit questions to the World Court as we were to submit a question to the Alaskan Boundary Commission.

Mr. REED of Missouri. I understand that argument. We would not submit the Monroe doctrine to the World Court; then we can not expect Great Britain to submit to this World Court her similar policies, which have to do with her zones of influence throughout the world.

Mr. WALSH. The Monroe doctrine is not a legal question that would go to the court at all; neither is Great Britain's policy of imperialism a question which would go to the court. Whenever a treaty is made and there is a controversy concerning the construction of the treaty, and the parties agree to go to the World Court with it, they go there.

Mr. REED of Missouri. Let us not get into an argument about submitting policies. Of course you do not submit a policy. I am talking about questions arising under the Monroe doctrine. Let us say that some foreign country proposes to come over and establish itself on this side the ocean contrary to the Monroe doctrine and we protest. Is the Senator willing to submit that to this World Court?

Mr. WALSH. It is not necessary to answer that question, because we are under no obligation to submit it.

Mr. REED of Missouri. Exactly. Let me proceed a little further, and we will see where we come out. If we claim that as a condition attaching to violations of the Monroe doctrine, we must concede to Great Britain the same right to hold out of this court questions arising under her national policies which involve zones of influence and the holdings of vast bodies of land.

Mr. WALSH. Of course, she can withhold anything she pleases unless she has bound herself by treaty to submit it.

Mr. REED of Missouri. Exactly; but she would withhold them.

Mr. WALSH. I presume so.

Mr. REED of Missouri. Then we can say the same thing with reference to France, the same thing with reference to Russia, and the same thing with reference to the rest of them.

Mr. WALSH. No question of policy goes before the court.

Mr. REED of Missouri. So we have now eliminated from the consideration of the court every question that really is likely to involve a country in war, for it is only over those great questions the world goes to war.

Mr. WALSH. I stated in the first address I made to the Senate substantially the same thing——

Mr. REED of Missouri. Very well; I thank the Senator.

Mr. WALSH. That the great international controversies likely to precipitate war are not legal controversies. They are political controversies and do not go before the court at all.

Mr. REED of Missouri. Exactly so; and now we have your court, which the propagandists have been telling the world will settle all human dispute, usher in the millennium, paint the skies of the immediate future with all the rosy dawn tints of the glorious day when God will reign on earth. We have got down to the point that not a single question which really will involve the world in war is to go before the World Court, and what have we left? It is something that would not rise to the dignity of a first-class justice of the peace court at the road forks.

Mr. REED of Missouri. It is sufficient for my present purpose to say that in that colloquy the distinguished Senator from Montana stated that great questions of international policy were not justiciable by the court, and could be brought there only by the common consent of both parties, and that the United States never would submit such a question. I believe I quote the Senator correctly.

Mr. President, that is a confession that this court never can prevent a war; for there is not a war of modern history that has resulted from slight or inconsequential causes. It is true that the particular excuse employed may be some slight cause; but always, if you look back of that excuse, you find the real cause to be in some national policy. Let me illustrate that.

The World War was lighted by a spark, the assassination of one man, the Archduke Ferdinand; but who is there that thinks that was the real cause of the war? That spark fell into a magazine or into several magazines that had been in preparation for half a century of time. The policies of Russia, the policies of England, the policies of Germany, and the policies of Austria, all had been formulated; their armies had been massed, their cannon had been prepared, and their ships were ready for action. Winston Churchill discloses in his book that a year before the war he was making preparation for the inevitable conflict, and was causing the guns on the British dreadnaughts to be transformed from 14-inch to 16-inch guns, and that he had the British fleet practically stripped for action and ready to move at a moment's notice.

Inconsequential things do not produce war. It is produced by national ambitions, national policies, national designs; and if you say this court does not possess jurisdiction over such designs and such causes, then you have a court that is impotent to prevent war, a useless thing, a thing which indeed becomes an element of danger; for if we rely upon this court as a means to prevent war, and it does not prevent war, then we may find ourselves unprepared. We may be led by such a thought to the abandonment of the necessary means for the preservation of our Republic.

It is as though a man were induced to leave his doors unlocked, believing that a police force was adequate to protect him, when, as a matter of fact, the police force had been disbanded, or was composed of men who were unwilling to act. The very proposition spells danger to our Republic; yet, so far as I know, there is no man advocating this court to-day who proposes that we shall submit our national policies to it. They say we will not submit them. When they say that, they of course must concede that other nations will not submit theirs. So we have ruled out of this tribunal everything that really produces the great wars that devastate the world.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED of Missouri. I yield.

Mr. WALSH. I want to remind the Senator that the statesmen of the world, assembled at The Hague in 1899 and again in 1907, conceived that such a court which would have the right to try only controversies that were legal in their nature would be a very serviceable instrument in the cause of peace, and that that view had been entertained by statesmen and lawyers for the last several centuries. Does the Senator desire to have us understand that he takes issue with all those people, and contends that such a court is useless?

Mr. REED of Missouri. Why, Mr. President, nobody will deny that every means leading to peaceful discussion may remove causes of irritation; and so there was no objection to having a tribunal at The Hague ready at hand to which controversies and small disputes or large disputes might be referred if the nations saw fit. But nobody pretends that The Hague court was able to prevent a great world war, and the question I am discussing is that question. But if such a tribunal tends to prevent war, then we already have it in the court at The Hague.

Mr. WALSH. Mr. President, I am calling the attention of the Senator to the fact that The Hague conference, having set up that tribunal undertook to set up another tribunal, deeming the other tribunal necessary for the preservation of peace.

Mr. REED of Missouri. The Hague tribunal?

Mr. WALSH. The Hague conference having set up The Hague Court of Arbitration, conceiving that they ought to set up another court that did not have any power to entertain any controversies except those purely justiciable, organized the statute of such a court.

Mr. REED of Missouri. Yes; and what did they accomplish?

Mr. WALSH. They accomplished nothing, because the nations could not agree upon the method by which the judges of that court should be selected. But I am calling attention to the fact that it is the common view of the statesmen of the world that there ought to be such a tribunal; that in connection with the argument that the Senator is now making, that such a tribunal would be useless.

Mr. REED of Missouri. Let us not get two questions for discussion at the same time. In the first place there is The Hague tribunal, to which the nations can voluntarily submit their disputes, and, having that, what is the use of having another tribunal?

Mr. WALSH. I refer the Senator to the statesmen there assembled.

Mr. REED of Missouri. As an American I do not intend that my view shall be controlled by the views of foreigners who have always wanted to decoy the United States into all of their troubles in the hope that they could use us, as we were in fact used in this last desperate war.

Mr. WALSH. Mr. President, I do not desire to follow that question further, but will the Senator excuse me if I call his attention to another line of argument he was pursuing?

Mr. REED of Missouri. Certainly.

Mr. WALSH. That is, that the sentiment of nationality, the sentiment of patriotism, is so powerful that it is impossible to assume that such a tribunal can or will render impartial judgments. I want to call the attention of the Senator to the two controversies between Poland and Germany which went to the Permanent Court of International Justice. The first was as to whether rights secured to land under the German Government by persons who were within the territory which became Poland should or should not be recognized by the Polish Government, as they agreed in their treaty with Germany. I would like to learn from the Senator if he thinks the national sentiment in the breast of Mr. Altamira, of Spain, would prevent him rendering a fair and impartial judgment as between Poland and Germany in that controversy; or Mr. Anzilotti, of Italy; or Mr. Pessoa, of Brazil; or Mr. de Bustamente, of Cuba; or Mr. Loder, of the Netherlands; or Mr. Oda, of Japan; or Mr. Moore, of the United States; or Mr. Huber, of Switzerland; or any other judges upon the court, except Mr. Weiss, of France, and Lord Finlay, of Great Britain, whose countries were interested in the controversy?

Mr. REED of Missouri. Mr. President, the Senator is asking a question which is entirely outside of my declaration. I said great national policies and great national questions which would produce war were such questions in which the court or its members or the countries represented upon it would have an interest.

Mr. WALSH. Mr. President——

Mr. REED of Missouri. Just a moment. That is what I said. That is what I am discussing. I said, and have always said, that you might have inconsequential or local things that would not produce war submitted to almost any kind of a tribunal, and the Senator has called attention to just such a controversy, a controversy over the ownership of land in a particular country by private individuals.

Let him call attention to an attempt of Russia to take Poland, or of Poland to invade Russia, or of Russia to seize the Dardanelles, and then answer me whether the judges from these countries would be disinterested. That is the question I am discussing, not discussing the question of some little dispute, such disputes as have been settled for thousands of years across the diplomatic table, and which we all admit are proper subjects for arbitration by tribunals selected properly to decide each particular case.

Mr. WALSH. I do not care to follow that further, but there is just one more argument the Senator is making to which I should like to direct his attention—that is, that the United States will not submit its controversies to the arbitrament of foreigners. I want to know from the Senator if he knows in how many instances the United States has submitted its controversies with other nations to the arbitrament of some arbiter not a citizen of the United States?

Mr. REED of Missouri. Mr. President, the Senator again asks a question outside of the case. Bearing in mind that I have always said that small matters are proper for arbitration, and that I have been discussing the question of submitting great national policies and great national interests, I answer that we have never submitted a great national policy to the arbitrament of anybody. We have submitted small controversies, but, again, we submitted them to arbitration in nearly every case, and you can submit a question to arbitration which you can not refer to a permanent court; and let me tell the Senator why.

In the first place, you will not submit to arbitration a great national policy, but when you are going to submit one of the smaller matters you pick one of the arbitrators yourself, your opponent picks an arbitrator, and the two together select the third arbitrator. I am speaking of the customary way; it is not necessarily universal. In a small controversy, in a concrete case, it is always possible, as every lawyer knows, to find somebody somewhere in the world to whom you may be willing to submit the controversy. But here is a court composed of judges sitting here permanently, representatives of various countries, for so I construe this court, and it is proposed that we shall send our controversies there; and while the distinguished Senator from Montana says we will send nothing there that really amounts to anything, because we will submit no national policy, no question of vital interest—and, of course, if that is true, the court amounts to nothing in preventing war—while he says that I say that if it is to be a court having any influence to prevent war, great questions must be submitted, and when you submit a great question, then you submit it to a tribunal whose judges represent peoples that have a direct interest. That is what I say, and on that ground I stand.

You can not name the great question which really involves the peace of the world that can go to this court without a large number of the judges representing countries having a direct interest. You might as well talk about getting an honest decision in the courts of our own land if the parties litigant were permitted to sit upon the court, or their brothers or their sisters or their cousins or their aunts. We do not permit it. We exclude them, and we select from the body of our own people as jurors men who have no interest and no prejudice. But here your jury is picked, if you want to call them a jury; there they sit, and to that jury, without right of challenge, you must submit your questions. The man who can not distinguish between that and voluntary arbitration of small questions has not given the matter very much consideration.

The fourth attribute of a court, Mr. President, is the power to enforce its decrees. If this court does not possess such power, directly or indirectly, then its decrees are as idle as the whisperings of the wind. Perhaps that is an extreme expression; but they have no more force than an arbitration decision, and we already have treaties of arbitration with nearly every country on earth.

If the court does possess power to enforce its decrees, either directly or through the instrumentality of the league that created it, then that power must be great enough to overwhelm any single nation or, indeed, a combination of great nations. Who will command this international army and this international navy? What American is there willing to contribute to the creation of an international force, acting in response to the will of a foreign tribunal, captained by foreign officers, and great enough to crush the United States and compel its submission to the decrees of a body of foreigners?

It is argued that we enter the court with reservations, and can provide that we will never submit a question to the court unless we see fit at the time to make such submission.

If the United States claims such a right as that, a corresponding right must be conceded to all other countries, particularly in controversies with America. That is to say, all parties will agree in advance that if they have a controversy which they all want to submit to the court, they will do so. If they do not all want to submit it to the court, then the court can go to the devil or stay at Geneva, as it pleases. That is the proposition. Again I say, such a scheme will never prevent a great war, because when nations are willing to submit their disputes to a decision and to abide by that decision war does not result. Let it not be forgotten that the right to arbitrate has not only existed but that arbitration has been employed directly and indirectly throughout the centuries. We have arbitration treaties with nearly every important nation of the world. Arbitration is always open and The Hague tribunal has been in existence for many years. To it all of parties could go. To it they have often gone on small occasions. When the great European crisis arose, The Hague tribunal was powerless to prevent the sanguinary conflict.

One of two propositions seems to me indisputable: Either we should go into the League of Nations head, horns, and tail, and accept its responsibilities and endeavor to control its policies, or we should pursue the doctrines of Washington and Jefferson and Lincoln and keep ourselves free from the entanglements and conflicts of the Old World.

Nor is this latter doctrine without hope. We are strong to-day. We are potential to-day because we have pursued the policy of noninterference in conflicts which do not concern us. We in that way have gained a large influence in the world, and whether or not we are regarded with affection by foreign governments we are looked upon with respect and admiration by the peoples of other lands. We have furnished an example of world government under a free constitution. That example has profited all mankind. The fires lighted by the Revolutionary fathers illumined a night of tyranny which for centuries had settled upon the peoples of Europe and of Asia. They beheld a vision of some happy day when the chains of their masters might be broken, when tyrants might be tumbled from their thrones, and human beings might stand erect and enjoy the liberties God intended. That day, sir, is approaching. The French Revolution broke the power of the Bourbons and finally established the Republic of France. Each succeeding year brought with it a reduction of arbitrary power, and the late

war seems to have given a death stroke to tyranny in most lands. The Romanoffs are in their graves, and the Russian people are groping their way toward the sunlit plains of liberty. The dynasty of the Hapsburgs is broken and its members are fugitives. The Hohenzollerns are in exile. A great German Republic has sprung from the ashes of the empire. There is scarce a people on earth who do not enjoy a measure of constantly expanding liberty.

The one great life toward which those people have turned their eyes for a century and a half is the star of America, shining in the skies of the west. The mills of the gods grind slowly, but they have been grinding a fine grist. We were dragged into one war in 150 years. Enter the World Court, become embroiled in the conflicts of Europe and Asia, and we may be compelled to fight 150 wars in the next 150 years. Against this reversal of our policy, against this denial of Washington, this repudiation of Jefferson, I protest, sir, and shall continue to protest.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER (Mr. HOWELL in the chair). Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED of Missouri. I yield.

Mr. BLEASE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Lenroot | Schall |
| Bayard | Frazier | McKellar | Sheppard |
| Bingham | George | McMaster | Shipstead |
| Blease | Gerry | McNary | Simmons |
| Borah | Gillett | Mayfield | Smith |
| Bratton | Glass | Metcalf | Smoot |
| Brookhart | Goff | Moses | Stanfield |
| Bruce | Hale | Neely | Swanson |
| Butler | Harreld | Norris | Trammell |
| Capper | Harris | Nye | Tyson |
| Caraway | Harrison | Oddie | Wadsworth |
| Copeland | Heflin | Overman | Walsh |
| Couzens | Howell | Phipps | Warren |
| Curtis | Johnson | Pine | Weller |
| Dale | Jones, N. Mex. | Ransdell | Wheeler |
| Deneen | Jones, Wash. | Reed, Mo. | Williams |
| Dill | Kendrick | Reed, Pa. | Willis |
| Ernst | Keyes | Robinson, Ark. | |
| Ferris | King | Robinson, Ind. | |
| Fess | La Follette | Sackett | |

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Seventy-seven Senators having answered to their names, a quorum is present. The Senator from Missouri will proceed.

Mr. REED of Missouri. Mr. President, I am going to undertake now to demonstrate by documents certain of the statements I have made. But we can not understand the powers of the menace of this court until we first understand the powers and the menace of its creator, the League of Nations.

The organization sitting at Geneva has assumed the euphonious title "Permanent Court of International Justice," but that is a misnomer. It came into existence pursuant to the so-called covenant of the League of Nations. That covenant is a part of the treaty of Versailles, and according to its construction is affected by other parts of that treaty. The treaty of Versailles was signed on June 28, 1919, by the various countries then at war. The league covenant when originally promulgated was open to signature by 44 states. It has been actually signed by 55 states.

Merely for information, Mr. President, I ask to have printed in the RECORD as a part of my remarks the list of the present members of the league.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Without objection, it is so ordered.

The list is as follows:

MEMBERS OF THE LEAGUE OF NATIONS JULY 1, 1925

Abyssinia, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, British Empire, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Esthonia, Finland, France, Greece, Guatemala, Haiti, Honduras, Hungary, India, Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Persia, Peru, Poland, Portugal, Rumania, Salvador, Serb-Croat-Slovene State, Siam, South Africa, Spain, Sweden, Switzerland, Uruguay, and Venezuela.

Mr. REED of Missouri. An examination of the list to which I have just referred discloses several important and impressive facts, among which are these: The British Empire is directly represented as follows:

A. The British Empire is represented as a whole, which, of course, embraces all of its parts.

B. The British Empire is then represented by certain constituent parts, namely, Australia, Canada, New Zealand, and South Africa. The latter country, having been recently conquered, is to-day held in subjection by the force of British arms.

C. The empire is further represented by India, whose millions are held in sullen thraldom by British cannon.

At the time of the formation of the league England was further represented by the King of the Hedjaz. However, that important nation seems to have disappeared from the face of the earth before the attacks of the Wahabis, a sort of oriental Ku-Klux Klan and antisaloon league [laughter], which refuses to tolerate any government which permits either the use of tobacco or alcoholic beverages. It is notable, however, that when the attack of the Wahabis upon the Kingdom of Hedjaz was made the League of Nations stretched out no arm of effective protection of its member. However, Great Britain, in consonance with its age-old policy, utilized the emergency by grabbing the most important part of the territory of the late kingdom. That territory has been since confirmed to Great Britain by the league in what is known as the Mosul-Iraq decree. It will be observed that while Great Britain thus lost a vote in the league she obtained the land and the oil.

A further scrutiny of the list of members discloses that there are several other countries almost completely under the domination of British influence or dependent upon the support of Great Britain for their very existence. Among these may be named Greece, Portugal, Belgium, and Persia. Thus it is clear that Great Britain, through the votes she directly controls or can almost certainly influence when she sees fit to exert that influence, will be able to cast 11 votes in the Assembly of the League of Nations.

At this point I want to call attention to a very informative article printed in the Washington Post of January 15, 1926, being an interview with J. Reuben Clark, formerly Solicitor of the Department of State, and who has represented the United States in many arbitration cases. His knowledge of international law is said to be recognized abroad as well as at home. The question was asked Mr. Clark:

"Does the Hughes reservation insure equality of voting power between the United States and the British Empire?" asked the reporter.

"No," replied Mr. Clark. "The reservation was intended to provide that the United States should, in the nomination and election of judges to the World Court, stand upon the same footing as each of the other powers or international states. In no other way could that 'equality,' which is the basis of all intercourse among independent sovereign states, be worked out. But it appears obvious that the reservation as drafted is inadequate for this purpose.

"Under the fourth article of the World Court statute every national group represented on the permanent court of arbitration at The Hague and every member of the league not represented on this Hague tribunal, may each nominate four persons whose names are placed on the list from which the league council and assembly elect the members of the World Court. Thus Great Britain, the empire, or commonwealth, if it be preferred, is a member of The Hague tribunal and may nominate four persons; and Canada, Australia, South Africa, New Zealand, India, and Ireland, being members of the league though not members of The Hague tribunal, may also each nominate four persons for places on the list. Taken as a whole, the British Empire, the international state, may thus nominate 28 persons, whose names are placed in this list from which the World Court is chosen. Under the proposed reservations as drawn, the United States, the international state, could nominate but four persons for placing on this list. This clearly is not an equality as between international states.

"The same relative disparity would exist in the election of judges from the list, by the council and assembly of the league, and the disparity might even become greater. In the council Great Britain has (as the council is now constituted) one vote; but if, as seems possible, one of her 'self-governing' political entities—that is, Canada, Australia, South Africa, New Zealand, India, or Ireland—should also become a member of the council, then Great Britain would have there two votes; if two of these 'self-governing' entities should become members of the council, then Great Britain would have three votes, and so on, until Great Britain might have in the council a total of five votes. While this is unlikely, it is possible.

"The United States, under the proposed reservation, could in no event have more than one vote.

"But the disparity in the voting power in the assembly would be much greater than this; it would be seven to one. That is, Great Britain herself, and the 'self-governing' dominions and India, would have one vote each, or a total of seven votes, whereas the United States would have but one vote.

"That is to say, in the election of judges, under the situation that would be created by the proposed reservation, Great Britain, the international state, would always have, combining the votes in the council and in the assembly, a total of 8 votes, and might have 12, while the United States, the international state, could have but 2.

"What is the remedy?

"Either one of two obvious remedies may be applied," said Mr. Clark, "to secure the 'equality' which seems to lie at the basis of the proposed reservation—either increase the votes of the United States or decrease the votes of Great Britain.

"If the remedy be the increase of the vote of the United States, then the extent of such increase should not be a mere arbitrary one which would always give rise to discussion and possible international difference, but should be an accurate determination upon the same principles that were applied in determining the extent of the British vote. The British vote was determined, it is said, on the theory that each of the 'self-governing' dominions and India, and to each of whom a vote was given, was more or less autonomous in the judicial, legislative, and executive branches of government—they were 'self-governing.'

"But none of them has the power of conducting its own foreign affairs. The legislative power of each is confined to its local problems; legislation for the British international state appears lodged in the Parliament of Great Britain. The judicial power of each appears likewise confined to matters affecting its local problems and its local legislation, the judicial power for the British international state seeming to be lodged in the courts of Great Britain itself, culminating in the House of Lords. Indeed, in certain local matters an appeal lies from the highest local court of the 'self-governing' entity to courts of Great Britain—that is, to the privy council, and, as it appears in certain cases, to the House of Lords. The executive power of each is also confined to the administration of its own local affairs, the executive power of the British international state being lodged in the Government of Great Britain, with the King at the head.

"There is not one of these tests or characteristics of a British 'self-governing' entity which is not just as applicable to the individual States of this Union as to those British 'self-governing' entities. In broad general principles the two systems are the same.

"But more than this may be said in favor of our States as against these British Dominions and India.

"Our States elect their own chief executives; the British 'self-governing' entities have their chief executives appointed by the crown.

"Our central government has only such powers as the people of the United States have given to it; the reserve powers are in the States. In the British system the 'self-governing' Dominions and India have the powers which the British central government has granted to them, the reserve powers apparently remaining in the central British Government.

"It may be also observed as to India that the central British Government has reserved to itself and its representative in India certain legislative functions in the local affairs of India, and that these functions may be exercised against the will of the legislative branch of the Indian government.

"Thus there is a materially greater political autonomy resting with the individual States of the United States than rests with the individual 'self-governing' Dominions and India of the British Empire or Commonwealth.

"Applying to the United States the same principles for creating voting units in the league bodies that are applied to the British Commonwealth, the United States should have for its component States 48 votes; for its Territories and insular possessions, Alaska, Hawaii, Porto Rico, and the Philippines (which in governmental form much more nearly resemble the British 'self-governing' Dominions and India than do our States), 4 votes; and for the United States as an international State, 1 vote, or a total of 53 votes in the assembly, and of 1 vote with a possible 5 votes in the council.

"Under these same determining rules the United States and its component political entities would have the right to nominate 212 persons whose names should be placed on the list, from which would be elected the members of the World Court.

"These principles would result in placing us on an equality with Great Britain, since it would apply to us, as to nominations and elections for the World Court, the same principles that are applied to Great Britain.

"The alternative plan would be to reduce the British power of nomination to that of one group of The Hague tribunal, and the power of voting to 1 vote in the council and 1 in the assembly.

"Under either of these plans an absolute equality could be established between the United States, the international state, and the British Empire, the international state. The proposition might be crystallized thus: Fifty-three for us or one for Britain."

Mr. President, that is an accurate analysis, an accurate showing up of the disparity between our rights in the court, except that this distinguished gentleman omitted entirely to say that, in addition to the votes of the so-called self-governing parts of the British Empire, there lie outside that Empire the states I have named, which are subject to the will of Great Britain almost as are its self-governing states subject to its will. And so the tremendous predominance of British influence and British power in both the Council and the Assembly of the League of Nations must stand as an admitted fact which we must consider when we propose to consider entering this court.

Again, there are several countries largely dependent upon French power and money for their continued existence. Among these may be named Poland, Finland, Czechoslovakia, and Yugoslavia.

It seems to be entirely within the fact that France can cast or control at least five votes in the league.

Among the members of the league—and I wish I could get the attention of Senators to this—are a number of states, some of them of recent origin and of doubtful stability, and all of them utterly incapable of maintaining their own rights or of being of material advantage in a great world controversy. Among these states may be named Liberia, Haiti, Panama, Costa Rica, Salvador, Nicaragua, Albania, Abyssinia, Honduras, Paraguay, Esthonia, and Guatemala—a total of 12 nations utterly impotent to assert any force in their own defense, utterly impotent to contribute anything whatsoever to a world government except votes.

The unification now of the votes controlled by France and Great Britain and the votes of the unimportant countries may constitute at any time a decisive majority in the assembly of the league. I do not profess that the foregoing analysis is complete, because there are a number of other small countries which undoubtedly will not possess complete freedom of action in the contests likely to be brought before the League of Nations. What has been said, however, serves to illustrate the fact that the league as constituted falls far short of fulfilling the pretense so often made that it is a body composed of independent nations enjoying the privileges of equality.

Again, dividing the membership of the league into white and dark races, and counting as dark only those in which more than 75 per cent of the population do not belong to the white race, it will be seen that 32 of the states may be counted as white countries; and I here give the list, together with the populations and, so far as readily ascertainable, the degree of illiteracy. I shall not take the time of the Senate to read this entire list. I ask to have it printed in the RECORD, where it may be examined by Senators.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

*White countries*

| Country | Population | Percentage of illiteracy |
|---|---|---|
| Albania | 832,000 | High. |
| Argentina | 9,500,000 | 35.1 |
| Australia | 5,000,000 | 1.8 |
| Austria | 6,500,000 | Low. |
| Belgium | 7,500,000 | 13.1 |
| British Isles | 45,000,000 | 11 |
| Bulgaria | 4,860,000 | High. |
| Canada | 8,300,000 | 11 |
| Chile | 3,755,000 | 60 |
| Cuba | 2,048,000 | 44 |
| Czechoslovakia | 13,000,000 | |
| Denmark | 3,267,000 | 1 |
| Esthonia | 1,110,000 | ---------- |
| Finland | 3,435,000 | .7 |
| France | 39,500,000 | 3 |
| Greece | 2,750,000 | 57 |
| Hungary | 7,980,000 | 13 |
| Italy | 28,500,000 | 34 |
| Latvia | 1,500,000 | ---------- |
| Lithuania | 2,168,000 | High. |
| Luxemburg | 260,000 | Low. |
| Netherlands | 7,212,000 | .5 |
| New Zealand | 1,218,000 | Very low. |
| Norway | 2,649,000 | Very low. |
| Poland | 27,000,000 | High. |
| Portugal | 6,000,000 | 68 |
| Rumania | 7,500,000 | 41 |
| Serb-Croat-Slovene State | 12,000,000 | High. |
| Spain | 21,000,000 | 46 |
| Sweden | 6,000,000 | Very low. |
| Switzerland | 3,880,000 | .6 |
| Uruguay | 1,378,000 | ---------- |
| Total | 292,102,000 | ---------- |

Mr. REED of Missouri. It will be found that in a very large number of these white countries the degree of illiteracy is enormously high, and it will be found that there are classified and counted among the white countries certain countries which really are incapable of anything like proper self-government. However, I pass that.

The dark countries number 22, and I ask to have them printed in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

*Dark countries*

| Country | Population | Percentage of dark and mixed races | Percentage of illiteracy |
|---|---|---|---|
| Abyssinia | [1] 10,000,000 | 100 | Very high. |
| Bolivia | 2,890,000 | 77 | Very high. |
| Brazil | 24,500,000 | 88 | 80 |
| China | 407,253,000 | 100 | High. |
| Colombia | 5,855,000 | 75 | Very high. |
| Costa Rica | 498,000 | 60 | High. |
| Dominican Republic | 897,000 | 90 | Very high. |
| Guatemala | 1,842,000 | 85 | 92 |
| Haiti | 1,500,000 | 90 | Very high. |
| Honduras | 562,000 | 85 | 68 |
| India | 294,361,000 | 95 | High |
| Japan | 56,860,000 | 99 | Low |
| Liberia | 2,000,000 | 100 | 98 |
| Nicaragua | 703,500 | 90 | High. |
| Panama | 450,000 | 90 | High. |
| Paraguay | 1,000,000 | 80 | Very high. |
| Persia | 9,000,000 | 100 | Very high. |
| Peru | 4,500,000 | 86 | Very high. |
| Salvador | 1,527,000 | 90 | Very high. |
| Siam | 6,230,000 | 99 | Very high. |
| Venezuela | 2,412,000 | 25 | Very high. |
| Total | 834,840,500 | | |

[1] Estimated.

Mr. REED of Missouri. I do not pause to read the names of these countries, but their population and the percentage of their illiteracy is given where it is possible to give it, although in almost a majority of them there is no sufficient government so that a census has been taken which is of a reliable character. I find, for instance, that in Brazil the degree of illiteracy is 80 per cent; in Guatemala, 92 per cent; in Honduras, 68 per cent; in Liberia, 98 per cent, and so on.

It will be observed from these tables that the total population of the white nations is 292,102,000, and that the total population of the dark nations is 834,840,500. That is to say, there are almost four times as many dark people in the league as there are white people. The inequality in voting strength is further accentuated by the fact that the total population of Albania, Costa Rica, Dominican Republic, Nicaragua, Panama, Luxemburg, Esthonia, Honduras, Latvia, and New Zealand does not equal the population of New York City. There may, sir, be selected from the membership of the league 32 countries, the population of which does not equal that of the United States; and, judged from the standpoint of literacy, of the ability to read and write, the result is even more startling. Yet, each of these countries, many of them dependent and deeply involved in ignorance, has a vote in the Assembly of the League of Nations which, should the United States ever join that body, would technically at least be equal to the vote of the United States. Of course, so long as the United States remains out of the league it does not even possess the small privilege of casting 1 vote out of 55.

A still greater divergence, Mr. President, exists as to racial characteristics and religion. This is important, for we are setting up a court, and a court must be governed by some kind of a rule or law or by the will of judges.

A still greater divergence, as I say, exists as to racial characteristics and religions. Cannibalism is practiced in at least one of these countries, while the religions embraced by these variegated populations run the gamut from Voodooism to Christianity. There is scarcely a creed or faith known to the world that is not the dominant religion in some one of these countries. Among the principal religions are Mohammedanism, Shintoism, Confucianism, Taoism, Buddhism, Zoroastrianism, Brahmanism, Shamanism, Guruism, Animism, and Satanism. In short, there is no faith so degrading that it is not embraced; there is no ceremony so vile that it is not practiced.

The vast majority reject our God, our Bible, our standards of morals, our conceptions of justice, and the basic principles of our laws. It is, nevertheless, proposed to bring together in one body the representatives of all these peoples, whites and blacks, browns and yellows, civilized, half civilized, barbaric, and savage, and produce a scheme of world government so exalted as to satisfy the aspirations of the most highly civilized peoples of the world, and to make the United States subject to that government!

Moreover, the kinds of government and the systems of laws or customs acknowledged by these different nations are so varied and conflicting as to be utterly irreconcilable. These laws or customs embrace everything from the mandates of great despots pretending to speak as gods and the decrees of petty dictators and tyrannical autocracies, to the common law of England and the United States.

Even in the most highly civilized nations of Europe there are more than 15 systems of laws basically different. Lord Phillimore admitted this; and I read from page 152 of the records of the league committee considering the permanent court. He said:

> Mr. Root's plan was to insure, as far as possible, a representation on the court of all the systems of law. Lord Phillimore did not quite understand what was meant by "the different systems of law." He enumerated the different legal systems actually in force; he mentioned the Japanese, Italian, Scandinavian, and German systems of law, and raised a question as to how representatives of each of these systems were to be chosen.
>
> He also drew attention to the Slav, Turkish, and Eastern systems which should be represented. He pointed out the difficulties created by the complicated question of the laws in force in the British overseas dominions, Roman-Dutch law, old French law, Hindoo law, and Mohammedan law.
>
> Lord Phillimore thought that a definite obligation to insure the representation of all these systems could not be imposed on the electors. If only a moral obligation were intended, he was quite satisfied.

A moral obligation, sir, is a binding thing. The man who will not be bound by a moral obligation will not be bound by a legal obligation unless force be put back of the obligation. The great law that ought to control among nations is the moral law. If we are morally bound, as Lord Phillimore says, to put upon this court the representatives of all these systems of law, then you degrade our ideas of justice, our ideas of right, to the common level that will be reached when you add Hindu law, Mohammedan law, Turkish law, and all the other systems of laws which we abominate and repudiate. By that common level and that common standard you propose to measure the rights of the United States of America. I denounce it, Mr. President; there is only one word to describe it, and I have too much respect for this body to employ it. Let the American people, as they ultimately will, brand that word on the brows of those who would dare surrender the independence of the United States. Let those who were against entering the league when Wilson was President, who now would have us enter the court at the beck and nod of a Republican President, answer, and some day they will answer to an outraged people.

We are to decide America's rights by what? By decrees written by judges representing all of these systems of laws; and they are as different as our civilization is different from their uncivilization. They are as variegated as the population that inhabit this earth. They are as impossible for us to live under as it is impossible for us to change an American citizen into a Chinaman, into a Jap, or into a Turk.

They are as impossible to our civilization and our conceptions of right as it would be to get the American women of this country to pass resolutions in favor of inaugurating here the system of Turkish harems. Drive on, my lords, you who say you have pledged your votes. Pledged your votes to whom? To the Edward Bok committee? To the little lady who sits drawing a salary to send out letters asking you how you are going to vote? Is that pledge to bind you in the presence of the stupendous objections which obtain against the consummation of these schemes?

Think of a court that is to administer justice for us! Oh, I appeal to you, my brother Senators. That court, according to Lord Phillimore, and according to the very precepts and principles of the league, is to be dominated by the Mohammedan idea, the Japanese idea, the Indian idea, all these ideas, and out of that conglomerate of conflicting laws, and by the common levels thus produced America's rights are to be decided.

If this proposition had not come from this high authority, but had come from the lower walks of life, you would have demanded the trial of its author, his conviction, and his punishment.

Mr. President, I have considered thus far the Assembly of the League of Nations. I come now to consider the council. If you say this is not in point, I answer, you might as well deny that the representation of the several States of the Union, with a voting power here in Congress, is not in point when we consider the laws that are likely to emanate from this body. I am dealing with the creative power, the power that makes this court, the power, as I shall show, that makes the rules that govern this court, that will govern this court in its decisions on American questions, if you gentlemen have your way.

The council is often referred to as the upper house of the league. It is certainly the more powerful of these governing bodies. Its peculiar construction demands scrutiny. It is composed of two classes of members: (a) Permanent members; (b) elective members. As originally planned, the United States, Great Britain, France, Italy, and Japan were, through

their representatives, to hold the five permanent seats in the council. The other four members of the council were to be elected from time to time by the assembly. The United States having declined to enter the league, the four permanent seats were held by Great Britain, France, Italy, and Japan, and continue to be so held up to the present time.

In 1922 the council—and I am challenging attention to this—determined to increase the number of temporary members from four to six, and that action of the council having been approved by the assembly, the council now consists of 10 members. The importance and significance of this act deserves more than passing notice, because it is an assertion and exercise of the power vested in the membership of these governing bodies to fundamentally change the character of the governing bodies themselves. Indeed, it is expressly provided in article 4 of the so-called covenant of the League of Nations:

> With the approval of the majority of the assembly, the council may name additional members of the league whose representatives shall always be members of the council; the council with like approval may increase the number of members of the league to be selected by the assembly for representation on the council.

Here, then, is a power reserved to the assembly and council to alter at will their own membership. These two bodies possess the power to increase their own membership. These two bodies possess the power of creating permanent members of the council. The league is not only a government, but it is a government possessing the power to change and alter its own composition, and this without reference to any power on earth.

It is also worthy of note that whenever the council can gain the consent of the assembly, it, the council, may name additional permanent members of the court. Also, with like approval, the council may increase the number of elective members of the league.

It is, therefore, plain that at any time a majority of the council so determines it can, with the assent of the assembly, admit the representatives of any number of nations to permanent seats on the council, and these seats having been once acquired, there is no provision by which such membership can be discontinued. Therefore, at any time when a mere majority of the council so determines, it can, with the assent of the assembly, admit the representatives of any number of nations. A mere majority of both bodies having been obtained, it is possible to pack the council permanently by adding additional members so as to permanently assure the dominance of particular policies.

It is exactly as though the Senate of the United States were empowered, by simply gaining the consent of the House of Representatives, to increase its membership by granting to certain States additional and permanent representation. If that were the case, then any political party gaining dominance in both Houses might at any time assure itself of complete and almost permanent control of the Senate by employing the device referred to.

The ease with which such a result may be accomplished in the league is illustrated by the fact, first, that the assembly can do little or nothing without the consent of the council, and hence the coercive power of that body is tremendous.

Second. In electing the nonpermanent members of the council, the nations already represented upon the council by permanent seats have the right, as members of the assembly, to participate in the election of nonpermanent members.

Third. The foreign nations holding permanent seats control four-tenths of all the votes in the council, a power which, shrewdly exercised, is very likely to bring complete control.

Fourth. All of the members of the council are eligible to also sit as members of the assembly, where, of course, they can exercise a potential influence on the deliberations of that body. Indeed, this dual membership practically destroys the independence of the assembly.

Fifth. The concentration of power in the council and the complete negation of anything like a democratic form of government is emphasized by the fact that there are 55 nations belonging to the league, and that 51 of these nations have no permanent rights to seats in the council, the four seats being permanently preempted by the four great powers I have named.

Further, when the 51 nations come to elect representatives on the council, all of the members of that body who are members of the assembly can participate in the election and hence the holding members can promote their reelection or the election of those who are agreeable to them. These gentlemen step from the council over into the assembly and vote on their own reelection.

It is hard to conceive of a more unrepresentative form of government, a more unjust and one-sided form of government than the League of Nations. Artfully contrived and its real purposes carefully concealed, the truth remains that it is a vast trust of power, the dominance of which to all intents and purposes is concentrated in four great countries. Two of these countries are at this moment substantially repudiating their indebtedness to the United States, and another, Japan, seriously and vehemently contending that the United States in the exercise of its sovereign power can not determine who shall be admitted within its borders.

Yet it is into the organization thus constituted that men in the past have sought to plunge us. It is now proposed that we shall submit questions involving the rights of the United States to an organization created and controlled by this league government.

I now, Mr. President, invite your attention very briefly to the personnel of the two governing bodies of the league.

The present membership of the council is as follows:

Spain: M. Quiñones de Leon (president).
Belgium: M. Paul Hymans; substitute, M. Joseph Melot.
Brazil: M. Afranio de Mello-Franco.
British Empire: The Right Hon. Austen Chamberlain.
Czechoslovakia: M. Eduard Benes; substitute, M. Veverka.
France: M. Aristide Briand; substitute, M. Paul-Boncour.
Italy: M. Vittorio Scialoja.
Japan: Viscount Ishii.
Sweden: M. Oesten Unden; substitute, M. Sjoborg.
Uruguay: M. Alberto Guani.
Secretary general, Sir Eric Drummond.

I have been unable to secure a list of the present delegates to the assembly. I, however, present a list of the members for 1924 which will serve to illustrate my point. I shall in a moment ask leave to print this list of names as a part of my remarks, because I do not want to consume the time of the Senate in reading it.

First. It will be found that every present member of the council was a member of the assembly of 1924, and I think is still a member. They hold in both places. It is the same as though the Senate sat here as an independent body and then walked over and sat with the House of Representatives and voted to reelect itself, and voted also on every measure before the House. That is the idiotic concept of this Government—or perhaps it was not idiotic; perhaps it was the shrewd design of those who intended to control it.

Second. A glance at the names both of the council and of the assembly will convince all candid persons that both organizations are not only political in their character but that the important membership is made up almost exclusively of the direct representatives of foreign governments, men who are a part of the machinery of their respective governments.

To illustrate by the members of the council alone:

His Excellency M. Jose Quinones de Leon was Spanish ambassador in Paris.

His Excellency M. Theunis was the Prime Minister of Belgium.

His Excellency M. Afranio de Mello-Franco was a member of the Chamber of Deputies, ambassador on special missions, and had held other important positions of state for Brazil.

The Right Hon. James Ramsay MacDonald was member of Parliament, Prime Minister, First Lord of the Treasury, and Secretary of State for Foreign Affairs of Great Britain.

His Excellency Dr. Eduard Benes was Minister for Foreign Affairs of Czechoslovakia.

His Excellency M. Aristide Briand was member of the Chamber of Deputies and former Prime Minister of France.

His Excellency M. Vittorio Scialoja was former Minister of Foreign Affairs and senator of Italy.

His Excellency Viscount K. Ishii was ambassador to France and former Minister for Foreign Affairs of Japan.

His Excellency M. Oesten Unden was former Minister of Justice for Sweden.

His Excellency M. Alberto Guani was envoy extraordinary and minister plenipotentiary in Belgium and the Netherlands for Uruguay.

The balance of the membership of the assembly is equally political in character.

I now ask, Mr. President, to have inserted in the RECORD at this point the list to which I referred a moment ago.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The list is as follows:

LIST OF MEMBERS OF DELEGATIONS AT THE ASSEMBLY

ABYSSINIA

Aba Wolo Ras Nadeou, Governor of Corea.

Count Robert Linant de Bellefonds, adviser to the Abyssinian Government.

Ato Sablé Sedalou, Secretary General for Foreign Affairs.

ALBANIA

Monsignor Fan Stylien Noli, Prime Minister.[1]

M. Louis Gurakuqi, Finance Minister.

M. Mehmed Konitza, minister plenipotentiary at Paris and London.

Substitute and secretary: M. Benoit Blinishti, consul general in Switzerland, director of the permanent secretariat accredited to the League of Nations.

AUSTRALIA

The Hon. Sir Littleton E. Groom, K. C. M. G., K. C., M. P., Attorney General for the Commonwealth of Australia.

The Right Hon. Sir Joseph Cook, P. C., G. C. M. G., high commissioner in London.

The Hon. Matthew Charlton, leader of the opposition.

Substitutes: Mrs. S. M. Allan, LL. B., and Sir William G. McBeath, K. B. E.

Expert: Mr. G. S. Knowles, O. B. E., M. A., LL. M.

Adviser: Mr. W. H. Bale.

Secretary: Major O. C. W. Fuhrman, O. B. E.

AUSTRIA

His Excellency Mgr. Ignace Seipel, Federal Chancellor.[2]

His Excellency Dr. A. Grünberger, Minister for Foreign Affairs.[2]

His Excellency M. Albert Mensdorff-Pouilly-Dietrichstein, former ambassador.

Substitute: His Excellency M. Eméric Pflügl, envoy extraordinary and minister plenipotentiary.

Secretaries: Dr. Francois Matsch, secretary of the League of Nations office at the Ministry of Foreign Affairs; M. Frédéric Bodo, counsellor.

BELGIUM

His Excellency M. Theunis, Prime Minister.[3]

His Excellency M. Paul Hymans, Minister for Foreign Affairs, Minister of State, member of the House of Representatives, former minister in London, former Minister for Economic Affairs.

His Excellency M. Prosper Poullet, Minister for the Interior and Health, member and former president of the House of Representatives, former Minister for Sciences and Arts, former Minister for Transport, the Navy, Posts and Telegraphs, professor of international law and diplomatic history at the University of Louvain.

Substitutes: M. L. de Brouckère, professor at the University of Brussels; M. Joseph Mélot, minister plenipotentiary; M. Henri Rolin, assistant legal adviser to the Ministry for Foreign Affairs; M. Louwers, member of the Belgian council for the colonies; and M. van Leynseele, secretary to the Ministry for Foreign Affairs.

Secretary general: M. Joseph Mélot, minister plenipotentiary.

Secretary: Mlle. Darscotte.

BRAZIL

His Excellency M. Afranio de Mello-Franco, member of the Chamber of Deputies, ambassador on special mission, Brazilian representative on the Council of the League of Nations, former Minister of State, former ambassador on special mission in Bolivia, member of the Permanent Court of Arbitration at The Hague, professor at the faculty of law of Bello-Horisonte (State of Minas-Geraes), former president of the Brazilian delegation to the fifth Pan American conference at Santiago.

His Excellency M. Raul Fernandes, envoy extraordinary and minister plenipotentiary on special mission, former member of the Chamber of Deputies, former delegate at the Peace Conference and on the Reparation Commission.

His Excellency M. Frederico de Castello Branco-Clark, envoy extraordinary and minister plenipotentiary, deputy minister on the permanent delegation accredited to the League of Nations, former chef de cabinet of the minister for foreign affairs.

Experts: Rear Admiral A. C. de Souza e Silva, Brazilian representative on the permanent advisory commission for military, naval, and air questions, member of the temporary mixed commission for the reduction of armaments; Maj. E. Leitao de Carvalho, professor at the Staff College at Rio de Janeiro, Brazilian representative on the permanent advisory commission for military, naval, and air questions; M. J. A. Barboza-Carneiro, commercial attaché at the embassy in London, member of the economic and financial commission and of the committee on the allocation of the expenses of the league; M. E. F. de Montarroyos, former staff captain, engineer; and M. A. Bandeira de Mello, secretary general of the national labor council at Rio de Janeiro.

Secretary general: M. Sylvio Rangel de Castro, secretary of embassy, former assistant secretary general of the presidential office of the Republic.

Secretary: M. Heitor Lyra, secretary of embassy in London.

BRITISH EMPIRE

The Right Hon. James Ramsay MacDonald, M. P., Prime Minister, First Lord of the Treasury, Secretary of State for Foreign Affairs. (Mr. Ramsay MacDonald was not able to remain in Geneva for the full period of the assembly, and on his departure Prof. Gilbert Murray acted as third delegate.)

The Right Hon. Lord Parmoor, P. C., K. C. V. O., Lord President of the Council.

The Right Hon. Arthur Henderson, P. C., M. P., Secretary of State for the Home Department.

Substitutes: Prof. George Gilbert Aimé Murray, LL. D., D. Litt.; Sir Hubert Llewellyn Smith, G. C. B., economic adviser to the British Government; Mrs. Helena M. Swanwick; and Sir Cecil J. B. Hurst, K. C. B., legal adviser to the foreign office.

Assistant delegate: Mr. Charles Roden Buxton.

Experts: Sir Malcolm Delevingne, K. C. B., Assistant Undersecretary of State; Mr. S. W. Harris, C. B., C. V. O.; Mr. G. H. Villiers, C. M. G.; Mr. Herbert Brittain; Rear Admiral Aubrey Smith, C. B., M. V. O.; Lieut. Col. S. J. Lowe, D. S. O., O. B. E.; Squadron Commander Tweedie, O. B. E., A. F. C.; and Sir George Buchanan, C. B.

Secretary general: The Hon. A. M. G. Cadogan.

First secretary: Mr. A. F. Yencken, M. C.

Private secretaries: Lieut. Col. Sir R. Waterhouse, K. C. B., C. M. G., secretary to the Prime Minister; Mr. W. H. Selby, M. V. O., secretary to the Prime Minister; Mr. M. R. K. Burge, secretary to Lord Parmoor; Mr. G. R. A. Buckland, secretary to Mr. Arthur Henderson; Mr. Philip Baker, secretary to Prof. Gilbert Murray; and Mr. Llewellyn Smith, jr., secretary to Sir Hubert Llewellyn Smith.

BULGARIA

His Excellency M. Christo Kalfoff, Minister for Public Worship and Foreign Affairs.

His Excellency M. Mikail Madjaroff, member of the Chamber of Deputies, former Minister for Public Worship and Foreign Affairs.

His Excellency M. Georges Danaïlow, member of the Chamber of Deputies, former minister.

Substitute: M. Svétoslav Poménow, Director of Political Affairs at the Ministry for Foreign Affairs.

Secretary general: M. Dimitri Mikoff, chargé d'affaires in Switzerland.

Secretary: M. Georges Kussélvanoff, first secretary of legation in Paris.

CANADA

The Hon. Raoul Dandurand, K. C., LL. D., senator, member of the privy council, minister of state, representative of the Government in the senate.

The Hon. Edward Mortimer Macdonald, K. C., member of Parliament, minister of the privy council, Minister of National Defense.

Substitute: Mr. Oscar Douglas Skelton, M. A., Ph. D., counsellor to the Ministry for External Affairs.

Secretaries: Mr. Ralph Osborne Campney, B. A., member of the Canadian bar and Mr. E. M. Macdonald, jr., member of the Canadian bar.

Assistant Secretary: Mr. Roger Weber.

CHILE

His Excellency M. Armando Quezada, former Prime Minister, former Finance Minister, envoy extraordinary and minister plenipotentiary in France.

His Excellency M. Enrique Villegas, former Prime Minister, former Minister for Foreign Affairs, ambassador at Rome.

Substitute and Secretary General: M. Jorge Valdés-Mendeville, chargé d'affaires at Berne.

Secretary: M. Ernesto Bertrand-Vidal, secretary of legation in France.

CHINA

His Excellency M. Tang Tsai-Fou, envoy extraordinary and minister plenipotentiary at Rome.

His Excellency M. Tai Tehenne Linne, envoy extraordinary and minister plenipotentiary in Sweden, Norway, and Denmark.

His Excellency M. Chao-Hsin Chu, minister plenipotentiary, chargé d'affaires in London, former senator, professor of economics at the University of Peking.

Substitutes: Dr. C. C. Wang, director general of the Chinese Eastern Railway; M. Wang Tseng Sze, counsellor of legation, secretary general of the Chinese delegation accredited to the League of Nations.

Expert: Dr. Tcheou Wei, first secretary of legation, director of the permanent office at Geneva of the Chinese League of Nations service.

Secretaries: M. H. K. Hsai, secretary of legation at Stockholm; M. William Hsieh, secretary of legation at The Hague; M. Su-Sung Koo,

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[1] In the absence of Monsignor Fan Noli, M. Konitza acted as first delegate.

[2] Monsignor Seipel and Doctor Grünberger were not able to stay in Geneva for the whole of the assembly and on their departure M. Pflügl acted as full delegate.

[3] M. Theunis was not able to stay in Geneva for the whole period of the assembly, and on his departure M. de Brouckère acted as third delegate.

secretary of legation; M. Tzon-Luen Hwang, attaché; M. Niétsou Wang, attaché at the legation at The Hague; M. Shu-Seng Chu, attaché at the legation in London.

COLOMBIA

His Excellency Dr. Francisco José Urrutia, former Minister for Foreign Relations, minister plenipotentiary in Switzerland.

Secretary: M. Alfredo Michelsen, secretary of legation at Berne.

COSTA RICA

His Excellency M. Manuel de Peralta, minister plenipotentiary.

CUBA

His Excellency M. Cosme de la Torriente, ambassador at Washington, former Minister for Foreign Affairs, former president of the committee for foreign affairs of the senate, member of the Permanent Court of Arbitration at The Hague.

His Excellency M. Aristides de Aguero, envoy extraordinary and minister plenipotentiary at Berlin and Vienna.

His Excellency M. Guillermo Patterson, Undersecretary of State for Foreign Affairs, envoy extraordinary and minister plenipotentiary.

Substitutes: His Excellency M. Guillermo de Blanck, envoy extraordinary and minister plenipotentiary at Berne and The Hague, and His Excellency M. Carlos de Armenteros, envoy extraordinary and minister plenipotentiary at Rome.

Expert: M. Ramiro Hernández Portela, counsèllor of legation at Berlin.

Secretaries: M. Gabriel de la Campa, consul general; M. Augusto Merchán, consul general at Genoa; and M. Manuel F. Calvo, second secretary of legation at Paris.

Attachés: M. Ursulo J. Dobal, attaché at the legation in Paris, and M. Augusto Maxwell.

CZECHOSLOVAKIA

His Excellency Dr. Eduard Benes, Minister for Foreign Affairs; His Excellency Dr. Stephen Osusky, envoy extraordinary and minister plenipotentiary at Paris; and His Excellency Dr. Ferdinand Veverka, envoy extraordinary and minister plenipotentiary at Bucharest.

Substitutes: His Excellency M. Jan Dvřáček, engineer, minister plenipotentiary, chief of the economic division of the Ministry for Foreign Affairs; Dr. Jan Krčmář, professor at the University of Prague; M. Jan Masaryk, counsellor of legation at the ministry for foreign affairs; and M. Rudolf Künzl-Jizerský, counsellor of legation in the political division of the Ministry for Foreign Affairs.

Expert: Gen. Vladimir Klecanda.

Secretaries: M. Josef Chelmar, secretary at the Ministry for Foreign Affairs; M. James V. Hyka, secretary at the Ministry for Foreign Affairs; M. Miroslav Lokay, secretary of legation at Berne; M. Arnošt Heidrich, secretary of legation at the Ministry for Foreign Affairs; and M. Karel Trpák, secretary at the Ministry for Foreign Affairs.

DENMARK

His Excellency M. Stauning, Prime Minister. (During the stay of M. Stauning in Geneva, M. Borgbjerg acted as substitute delegate.)

His Excellency M. Herluf Zahle, envoy extraordinary and minister plenipotentiary at Berlin, member of the Permanent Court of Arbitration.

M. F. Borgbjerg, Minister for Social Affairs, member of Parliament.

M. Laust Moltesen, doctor of philosophy, member of Parliament.

Substitutes: His Excellency M. Andreas d'Oldenburg, envoy extraordinary and minister plenipotentiary at Berne, representative of the royal government accredited to the League of Nations office; M. Peter Munch, doctor of philosophy, former Minister for Defense, member of Parliament; and M. Holger Andersen, member of Parliament.

Expert: Mlle. Henni Forchhammer, president of the National Council of Danish Women, member of the central administration of the International Women's Council.

Secretaries: M. Pierre Oesterby, director of the parliamentary archives, and M. Johannes V. Rechendorff, secretary of the Ministry for Foreign Affairs.

Assistant secretary: Mlle. S. Damm.

DOMINICAN REPUBLIC

M. Jacinto R. de Castro.

Secretary: M. Manuel S. Gautier.

ESTHONIA

His Excellency M. Charles Robert Pusta, Minister for Foreign Affairs.

Gen. Johan Laidoner, member of the Chamber of Deputies, former commander in chief of the Esthonian Army.

M. Ado Anderkopp, member of the Chamber of Deputies, former Minister.

Private secretary to the Minister of Foreign Affairs: M. Louis Villecourt.

Secretary: M. Oskar Öpik, chief of section at the Ministry for Foreign Affairs.

FINLAND

His Excellency M. Hjalmar Johan Procopé, Minister for Foreign Affairs. (After the departure of M. Procopé from Geneva, M. Holsti acted as third delegate.)

His Excellency M. Carl Johan Alexis Enckell, envoy extraordinary and minister plenipotentiary in Paris, former Minister for Foreign Affairs.

His Excellency M. Rafael Waldemar Erich, professor of international law at the University of Helsingfors; envoy extraordinary and minister plenipotentiary, unattached; former Prime Minister.

Substitutes: His Excellency M. Eino Rudolf Holsti, envoy extraordinary and minister plenipotentiary at Tallinn, former Minister for Foreign Affairs; M. Kaarlo Väinö Voionmaa, professor of the history of Finland and of the northern countries at the University of Helsingfors; and M. Urho Toivola, director of the Finnish secretariat accredited to the League of Nations.

Expert: Baron Aarno Yrjö-Koskinen, director of the political section of the Ministry for Foreign Affairs.

Head of the secretariat: M. Urho Toivola, director of the Finnish secretariat accredited to the League of Nations.

FRANCE

His Excellency M. Edouard Herriot, Prime Minister, Minister for Foreign Affairs. (During M. Herriot's stay in Geneva M. Paul Boncour acted as substitute delegate.)

His Excellency M. Léon Bourgeois, senator, former Prime Minister, former president of the Senate, representative of the French Republic accredited to the League of Nations.

His Excellency M. Aristide Briand, member of the Chamber of Deputies, former Prime Minister.

His Excellency M. Paul Boncour, member of the Chamber of Deputies, president of the advisory committee of the higher council for defense.

Assistant delegates: M. Louis Loucheur, member of the Chamber of Deputies, former minister; M. Henry de Jouvenel, senator, former minister; M. Maurice Sarraut, senator; and M. Jean Réveillaud.

Substitutes: M. Georges Bonnet, member of the Chamber of Deputies; M. Léon Jouhaux, secretary general of the General Labor Confederation; and M. René Cassin, professor of the faculty of law at Lille, honorary president of the Federal Union of the Mutilated and Former Combatants.

Secretary general: M. Clauzel, minister plenipotentiary.

Experts: M. Serruys, M. Geouffre de Lapradelle, M. Jacques Dumas, M. Eugène Pépin, M. Louis Aubert, M. Massigli, M. Georges Scelle, and M. André Matter.

Assistant secretaries general: M. Fournes and M. Amé-Leroy.

GREECE

His Excellency M. Nicolas Politis, former Minister for Foreign Affairs, envoy extraordinary and minister plenipotentiary in France; His Excellency M. E. J. Tsouderos, Finance Minister; and M. André Andreades, professor at the University of Athens.

Substitutes: M. St. Seferiades, professor at the University of Athens, and M. Nicolas Souidas, director of the League of Nations section at the Ministry for Foreign Affairs.

Experts: M. Vasili Colocotronis, chargé d'affaires of the Greek Republic in Switzerland, and M. G. Mantzavinos, director of general accountancy at the Ministry for Finance.

Secretary general: M. Nicolas Souidas, director of the League of Nations section at the Ministry for Foreign Affairs.

Secretary: M. Pierre Depasta, attaché of the Greek legation at Berne.

Information service: M. C. Melas, former member of the Chamber of Deputies.

GAUTEMALA

His Excellency M. Adrian Recinos, envoy extraordinary and minister plenipotentiary in France, and M. Rafael Pineda de Mont, counsellor of legation.

HAITI

His Excellency M. Bonamy, envoy extraordinary and minister plenipotentiary in Paris, member of the Permanent Court of Arbitration at The Hague, former Secretary of State for External Relations, former president of the court of cassation.

HUNGARY

His Excellency Count Bethlen, Prime Minister. (During the stay of Count Bethlen in Geneva, General Tánczos acted as substitute delegate.)

His Excellency Count Albert Apponyi, member of the National Assembly, former Minister for Public Worship and Education.

His Excellency Batron Frédéric Korányi, Finance Minister.

Gen. Gariel Tánczos, former Minister for Foreign Affairs.

Substitute: Count Alexandre Khuen-Héderváry, first counsellor of legation.

Experts: M. Denys de Sebess, former Undersecretary of State; M. Siméon Lukáts, counsellor of section at the Ministry for Foreign Affairs; Col. Géza Siegler; and M. Dadislas Gajzágó, ministerial counsellor at the Ministry for Foreign Affairs.

Expert and secretary general: M. Zoltán de Baranyi, secretary at the Ministry for Foreign Affairs, director of the secretariat accredited to the League of Nations.

Secretary: M. Antoine Ullein, secretary of legation.

INDIA

The Right Hon. the Lord Hardinge, of Penshurst, K. G., G. C. B., G. C. S. I., G. C. M. G., G. C. I. E., G. C. V. O., I. S. O., privy councillor, former viceroy, former ambassador.

Maj. Gen. His Highness the Maharajah of Bikaner, G. C. S. I., G. C. I. E., G. C. V. O., G. B. E., K. C. B., A. D. C., LL. D., chancellor of the chamber of princes.

Sir Muhammad Rafique, member of the council of state.

Substitutes: Capt. Maharaj Kunwar, of Bikaner, C. V. O.; Sir Stanley Reed, K. B. E.; Mr. John Campbell, C. S. I., O. B. E.

Secretaries: Mr. P. J. Patrick and Mr. W. T. Ottewill.

IRISH FREE STATE

Mr. Desmond Fitzgerald, Minister for Foreign Affairs.

Mr. Patrick McGilligan, Minister for Commerce and Industry.

Mr. John O'Byrne, Attorney General.

Substitutes: Mr. James McNeill, high commissioner in London; Marquis MacSwiney, of Mashanaglass, member of the Royal Irish Academy; Mr. John O'Sullivan, member of Parliament, doctor of philosophy, professor at the National University of Ireland; Mr. Michael Heffernan, member of Parliament.

Expert: Mr. Michael MacWhite, representative of the Irish Free State accredited to the League of Nations.

Secretary: Mr. Joseph Walshe, secretary at the Ministry for Foreign Affairs.

ITALY

His Excellency Prof. Antonio Salandra, former Prime Minister, member of the Chamber of Deputies.

His Excellency M. Vittorio Scialoja, former Minister for Foreign Affairs, senator.

His Excellency M. Carlo Schanzer, former Minister for Foreign Affairs, vice president of the council of state, senator.

Substitutes: His Excellency Count Lelio Bonin-Longare, ambassador and senator; Dr. Alberto Pironti, prefect and senator. Brig. Gen. Alberto de Marinis Stendardo di Rigigliano, senator, representative of Italy on the permanent advisory commission for military, naval, and air questions, member of the temporary mixed commission for the reduction of armanent. His Excellency M. Giovanni Ciraolo, president of the Italian Red Cross, senator. M. Stefano Cavazzoni, former minister for labor, member of the Chamber of Deputies. Count Fulco Tosti di Valminuta, member of the Chamber of Deputies, former Undersecretary of State for Foreign Affairs. M. Paolo Bignami, engineer, former Undersecretary of State, former member of the Chamber of Deputies. Marquis Giuseppe Medici del Vascello, envoy extraordinary and minister plenipotentiary. Count Antonio Cippico, senator. Baron Gian Alberto Blanc, member of the Chamber of Deputies. M. Massimo Pilotti, counsellor at the court of appeal at Rome, legal adviser to the Reparation Commission and the Conference of Ambassadors.

Experts: M. Daniele Varé, counsellor of legation. Count Guido Viola di Campalto, counsellor of legation. Capt. Don Fabrizio Ruspoli, representative of Italy on the permanent advisory commission for military, naval, and air questions. Count Manfredi Gravina. Prof. Giuseppe Gallavresi.

Secretary general: Marquis Giuseppe Medici del Vascello, envoy extraordinary and minister plenipotentiary.

Secretaries: Count Senni, consul general. M. Guido Segre, consul. Capt. Francesco Giorgio Mameli, secretary of legation. M. Armando Morini, vice consul. Count Ettore Perrone di San Martino, attaché of legation. Dr. Guido Romano, consular attaché. M. Mario Salandra.

Archivist: M. Alberto de Sangro.

JAPAN

His Excellency Viscount K. Ishii, ambassador to France, former Minister for Foreign Affairs, Japanese representative on the Council of the League of Nations. His Excellency M. Minéitcirô Adatci, ambassador to Belgium, vice president of the Institute of International Law. His Excellency M. M. Matsuda, minister plenipotentiary.

Substitutes: M. Yotaro Sugimura, counsellor of embassy, assistant head of the Japanese office accredited to the League of Nations.

M. I. Tokugawa, first secretary of embassy in London.

M. N. Ito, first secretary of legation at The Hague.

Secretary: M. Yotaro Sugimura, counsellor of embassy, assistant head of the Japanese office accredited to the League of Nations.

LATVIA

His Excellency M. Louis Seja, Minister for Foreign Affairs.

His Excellency Dr. Michel Walters, envoy extraordinary and minister plenipotentiary at Paris, permanent delegate accredited to the League of Nations.

M. Félix Cielens, member of the Chamber of Deputies, president of the foreign affairs committee.

Substitutes: M. Vilis Schumans, director of the political department at the Ministry for Foreign Affairs, and M. Jules Feldmans, chief of the League of Nations section at the Ministry for Foreign Affairs.

Secretary: M. Jules Feldmans, chief of the League of Nations section at the Ministry for Foreign Affairs.

LIBERIA

His Excellency Baron Rodolphe Auguste Lehmann, envoy extraordinary and minister plenipotentiary in France.

Substitute: M. Nicolas Ooms, first secretary of legation.

LITHUANIA

His Excellency M. Ernest Galvanauskas, former Prime Minister and Minister for Foreign Affairs, envoy extraordinary and minister plenipotentiary in London.

His Excellency M. Wenceslas Sidzikauskas, envoy extraordinary and minister plenipotentiary at Berlin.

M. Bronius K. Balutis, director of the political section at the Ministry for Foreign Affairs.

Secretary: Dr. Jnozas Sakalauskas.

LUXEMBURG

M. Tony Lefort, Councillor of State, former chargé d'affaires in Switzerland.

Substitute: M. Ch. Vermaire, consul at Geneva.

NETHERLANDS

His Excellency Jonkheer H. A. van Karnebeck, doctor of law and political science, Minister for Foreign Affairs. (In the absence of Jonkheer van Karnebeck, Jonkheer Loudon acted as first delegate.)

His Excellency Jonkheer J. Loudon, doctor of political science, envoy extraordinary and minister plenipotentiary in Paris, former Minister for Foreign Affairs.

Jonkheer W. J. M. van Eysinga, doctor of law and political science, professor at the University of Leyden.

Substitutes: Count F. A. C. van Lynden van Sandenburg, doctor of law and political science, grand chamberlain of Her Majesty the Queen of the Netherlands, former government commissioner in the Utrecht Province, former member of the second chamber of the states general; M. J. Limburg, doctor of law, president of the Order of Barristers at The Hague, former member of the second chamber of the states general, member of the executive committee of the states provincial of Southern Holland; and M. J. P. A. François, doctor of law and political science, head of the League of Nations section at the Ministry for Foreign Affairs, extraordinary professor at the school for higher commercial studies at Rotterdam.

Expert: M. W. G. van Wettum, former chief of service of the opium monopoly of the Dutch Indies, Dutch member of the advisory committee on the traffic in opium.

Secretary to the First Delegate: M. L. Carsten, doctor of law and political science, secretary of legation.

Secretaries: Mme. C. A. Kluyver, secretary at the Ministry for Foreign Affairs; M. H. J. D. Doorman, first chancellor of legation.

NEW ZEALAND

Colonel the Honorable Sir James Allen, high commissioner in London.

Substitute and secretary: Mr. C. Knowles.

NICARAGUA

Dr. A. Sottile, consul at Geneva.

NORWAY

Dr. Fridtjof Nansen, professor at the University of Christiania.

His Excellency M. Otto Albert Blehr, former Prime Minister.

M. Christian Fredrik Michelet, barrister, former Minister of Foreign Affairs.

Substitutes: Dr. Christian L. Lange, secretary-general of the Inter-Parliamentary Union; Dr. Mikael S. H. Lie, professor of law at the University of Christiania; and Mlle. Kristine Elisabeth Bonnevie, doctor of philosophy, professor at the University of Christiania.

Expert: M. Jens Bull, head of section at the Ministry for Foreign Affairs.

PANAMA

His Excellency M. Narciso Garay, Minister for Foreign Affairs.

His Excellency M. Antonio Burgos, minister in Italy and Switzerland.

PARAGUAY

Dr. Ramon V. Caballero, chargé d'affaires in Paris.

PERSIA

His Highness Prince Mirza Riza Khan Arfaed-Dowleh, ambassador, former Minister for Justice.

Legal adviser: Dr. Edmond Privat.

Head of secretariat: M. Abol-Hassan Khan Hékime, first secretary of legation at Berne.

Secretary: Mirza Aly Mohammad Khan Scheybany, secretary of the Persian delegation accredited to the League of Nations.

Private secretary to the first delegate: Hassan Khan Arfaos-Soltan.

POLAND

His Excellency M. Aleksander Skrzyński, doctor of law, Minister for Foreign Affairs, permanent delegate to the League of Nations.

His Excellency M. Henryk Strasburger, minister plenipotentiary, commissioner general of the Polish Republic at Danzig, former Undersecretary of State for Foreign Affairs.

His Excellency M. August Zaleski, envoy extraordinary and minister plenipotentiary at Rome.

Substitutes: His Excellency M. Jean de Modzelewski, envoy extraordinary and minister plenipotentiary at Berne; and M. François Sokal, Polish delegate on the governing body of the international labor office.

Assistant delegates: M. Léon Babinski, counsellor of legation, legal adviser to the Ministry for Foreign Affairs; M. Juljusz Lukasiewicz, counsellor of legation, assistant director of the political department at the Ministry for Foreign Affairs; and M. Oscar Halecki, professor at the University of Warsaw.

Experts: Count Charles Potulicki, doctor of law, honorary attaché to the permanent delegation accredited to the League of Nations; Major Kunstler, doctor of law; M. Anatole Mühlstein, first secretary of legation; and M. Georges Nunberg, first secretary of legation.

Secretary general: M. Miroslaw Arciszewski, first secretary of legation.

Assistant secretary general: M. Thadée Gwiazdowski, first secretary of legation.

Secretaries: M. Stanislas Zalewski, first secretary of legation; M. Titus Komanicki, doctor of law, secretary of legation at Belgrade; M. Vladimir Czaykowski, secretary of legation; M. Thadée Kozminski; and M. Sigismund Gralinski.

PORTUGAL

His Excellency M. João Chagas, former Prime Minister, former Minister for Foreign Affairs; His Excellency Dr. Augusto de Vasconcellos, former Prime Minister, former Minister for Foreign Affairs, senator; and His Excellency Gen. Alfredo Freire d'Andrade, former Minister for Foreign Affairs, former Governor of Mozambique.

Substitute and secretary general: His Excellency M. Antonio Maria Bartholomeu Ferreira, envoy extraordinary and minister plenipotentiary in Switzerland.

Secretary: M. H. R. Dias de Oliveira, attaché to the legation at Berne; and M. Antonio Gomès d'Almendra, attaché to the legation at Berne.

RUMANIA

His Excellency M. Jean G. Duca, Minister for Foreign Affairs. (On the departure of M. Duca, M. Puscarin acted as third delegate.)

His Excellency M. Nicolas Titulesco, envoy extraordinary and minister plenipotentiary in London; permanent delegate to the League of Nations; former Finance Minister; professor at the University of Bucharest.

His Excellency M. Nicolas Petresco Comnène, envoy extraordinary and minister plenipotentiary in Switzerland; permanent delegate to the League of Nations.

Substitutes: M. Sextil Puscarin, chancellor of the Cluj University; and Mlle. Hélène Vacaresco.

Experts: M. Mircea Djuvara, professor at the University of Bucharest; member of the Chamber of Deputies; M. V. V. Badulesco, Doctor of economic and financial science; Col. Jean Antonesco, military attaché in London; M. D. Ciotori, director of the press bureau at the legation in London; and M. Nicolas Raicovicianu, doctor of law; former chef de cabinet of the Finance Minister.

Secretary general: M. C. Constantinesco, chef de cabinet of the Minister for Foreign Affairs.

SALVADOR

His Excellency Dr. J. Gustave Guerrero, envoy extraordinary and minister plenipotentiary in France and Italy.

KINGDOM OF THE SERBS, CROATS, AND SLOVENES

His Excellency Dr. Voïslav Marinkovitch, Minister for Foreign Affairs. (On the departure of Doctor Marinkovitch and Doctor Choumenkovitch, Doctor Politch and Doctor Novakovitch became second and third delegates, respectively.)

His Excellency Dr. Ilia Choumenkovitch, Minister for Commerce and Industry. (On the departure of Doctor Marinkovitch and Doctor Choumenkovitch, Doctor Politch and Doctor Novakovitch became second and third delegates, respectively.)

His Excellency Dr. Kosta Koumanoudi, former Finance Minister; member of the Chamber of Deputies.

Substitutes: Dr. Miléta Novakovitch, professor at the University of Belgrade; Dr. Ladislav Politch, professor at the University of Zagreb; and Dr. Leonidas Pitamic, professor at the University of Ljoubljana.

Experts: Gen. D. Kalafatovitch, attaché at the Ministry for Foreign Affairs, and Dr. Rista Mitkovitch, privat-docent at the University of Geneva, director of the press service.

Private secretary to the head of the delegation: M. Radovan Choumenkovitch, chef de cabinet of the Ministry for Foreign Affairs.

Secretary general: M. Konstantin Fotitch, first secretary of legation.

Attaché: M. Miloutine Milovanovitch, attaché at the Ministry for Foreign Affairs.

SIAM

His Highness Prince Charoon, minister at Paris, representative of Siam accredited to the secretariat of the League of Nations.

His Excellency Phya Sanpakitch Preecha, minister in Rome.

Secretaries: M. Khun Biraj Bisdara, second secretary of legation in Paris; M. Luang Bahiddha Nukara, secretary of legation in Rome; M. K. Vathanaprida, secretary of legation in Paris; M. Chin Jumajoti, attaché at the legation in Paris.

SOUTH AFRICA

The Hon. Sir Edgar Harris Walton, K. C. M. G., high commissioner in London.

Sir Henry Strakosch, K. B. E.

The Hon. G. R. Hofmeyr, C. M. G., administrator of Southwest Africa.

Secretaries: Mr. Robert Webster, Mr. A. T. Goldup, and Mr. H. Bense.

SPAIN

His Excellency M. José Quiñones de León, ambassador in Paris, Spanish representative on the Council of the League of Nations.

His Excellency M. Emilio de Palacios, envoy extraordinary and minister plenipotentiary at Berne.

Substitutes: His Excellency M. Eduardo Cobián, former Undersecretary of State for Finance; M. Leopoldo Palacios, former Undersecretary of State for Finance, professor at the University of Madrid.

Substitute and legal adviser: M. Cristóbal Botella, doctor of law, legal adviser to the Spanish Embassy in Paris, president of the Franco-German mixed arbitral tribunal.

Secretary general: M. Carlos de la Huerta, first secretary of embassy in Paris.

Assistant secretary general: Marquis de la Torre.

Secretaries: M. Julio Casares, head of section at the Ministry for Foreign Affairs; M. Francisco Ramirez y Montesinos, first secretary of embassy; M. Juan de Arenzana, consul at Geneva; and M. Alvaro Maldonado, secretary of embassy.

SWEDEN

His Excellency Baron Erik T. Marks von Würtemberg, Minister for Foreign Affairs. (On the departure of Baron von Würtemberg, Baron Ramel became third delegate.)

His Excellency M. K. Hjalmar Branting, former Prime Minister, former Minister for Foreign Affairs, Swedish representative on the Council of the League of Nations.

M. Jonas Eliel Loefgren, former Minister of Justice.

Substitutes: His Excellency Baron Sten Gustaf Fredrik Troil Ramel, envoy extraordinary and minister plenipotentiary at Berlin; Mme. Anna Bugge-Wicksell, master of law; and M. Oesten Undén, former Minister for Justice, professor at the Upsal University.

Secretaries: M. O. Johansson, first secretary of legation; M. E. Boheman, first secretary of legation; and M. H. de Ribbing, attaché.

SWITZERLAND

His Excellency M. Giuseppe Motta, federal councillor, head of the federal political department.

His Excellency M. Gustave Ador, former federal councillor, president of the International Red Cross Committee.

Dr. Robert Forrer, vice president of the national council.

Substitutes: Col. B. Henri Bolli, member of the council of states, and Prof. Walter Burckhardt, chancellor of the Berne University.

Secretary and expert: Dr. Paul Ruegger, secretary of legation at the federal political department.

Secretary: M. Daniel Secretan, secretary of division at the Ministry for Foreign Affairs.

URUGUAY

His Excellency M. Alberto Guani, envoy extraordinary and minister plenipotentiary in Belgium and the Netherlands, representative of Uruguay on the Council of the League of Nations.

His Excellency M. Benjamin Fernandez y Medina, envoy extraordinary and minister plenipotentiary in Spain, former Undersecretary of State.

His Excellency M. Enrique Buero, envoy extraordinary and minister plenipotentiary in Switzerland, former Undersecretary of State and Financial Undersecretary, former member of the Chamber of Deputies.

Substitute: M. Manuel Herrera y Reissig, secretary of legation.

Secretary general: M. Adolfo Sienra, secretary of legation.

Assistant secretary: M. Eduardo D. de Arteaga.

VENEZUELA

His Excellency M. César Zumeta, former senator, former Minister for the Interior, envoy extraordinary and minister plenipotentiary at Rome.

His Excellency M. Diogenes Escalante, former member of the Chamber of Deputies, envoy extraordinary and minister plenipotentiary in London.

His Excellency M. Caracciolo Parra-Pérez, special minister plenipotentiary to the Swiss Federal Council, chargé d'affaires at Berne.

Secretary: M. Alberto Adriani, former consul at Geneva, former chef de cabinet of the Minister for External Relations at Caracas.

Mr. REED of Missouri. Not only does the league possess the power, as heretofore stated, to change the membership of the court, but by a two-thirds vote of the assembly the membership of the league may be changed and any nation whatsoever may be admitted.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. REED of Missouri. I yield.

Mr. KENDRICK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Lenroot | Sackett |
| Bayard | Frazier | McKellar | Schall |
| Bingham | George | McNary | Sheppard |
| Blease | Gerry | Mayfield | Shipstead |
| Borah | Gillett | Metcalf | Shortridge |
| Bratton | Goff | Moses | Smith |
| Brookhart | Hale | Neely | Smoot |
| Bruce | Harreld | Norris | Stanfield |
| Butler | Harris | Nye | Swanson |
| Cameron | Harrison | Oddie | Trammell |
| Capper | Heflin | Overman | Tyson |
| Caraway | Howell | Pepper | Wadsworth |
| Copeland | Johnson | Phipps | Walsh |
| Couzens | Jones, N. Mex. | Pine | Warren |
| Curtis | Jones, Wash. | Ransdell | Williams |
| Deneen | Kendrick | Reed, Mo. | Willis |
| Dill | Keyes | Reed, Pa. | |
| Ferris | King | Robinson, Ark. | |
| Fess | La Follette | Robinson, Ind. | |

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, a quorum is present. The Senator from Missouri will proceed.

Mr. REED of Missouri. Mr. President, I have thus far discussed the composition of that body which creates, and, as I shall undertake to show, will perpetually control the so-called court. I have endeavored to show that the body is undemocratic, unrepresentative, and that it is made up of the political agencies of foreign countries. I shall on to-morrow discuss the question of the relation of the court to the League of Nations and the powers and jurisdictions which that court has, at the present time, and the powers and jurisdictions which may be conferred upon it by the League of Nations. For the present, Mr. President, I yield the floor.

## THE COAL SITUATION

As in legislative session,

Mr. REED of Pennsylvania. Mr. President, on last Friday, the 15th instant, the Senator from New York [Mr. COPELAND] put into the RECORD a letter from one of his constituents living in Richmondville, N. Y., complaining that coke and soft coal were costing the inhabitants of that town $17 per ton, and inferentially complaining, I gathered, against the profiteering of the producers of that fuel. I send to the desk and ask to have read by the Secretary a letter from a coal company in Pittsburgh, Pa., giving the exact situation as to the cost of coal at the mines, the freight rates, and the profit of the retail dealers who are selling such coal. I ask unanimous consent that the letter may be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Chief Clerk read as follows:

CLINTON BLOCK COAL CO.,
*Pittsburgh, Pa., January 18, 1926.*

Hon. DAVID A. REED,
*United States Senate, Washington, D. C.*

DEAR SENATOR: We note by the public press that Senator COPELAND read a letter in the United States Senate Friday, January 15, from one of his constituents, S. G. Shafer, Richmondville, N. Y., a small town 50 miles west of Albany on the Delaware & Hudson Railroad, stating that coke and soft coal were doled out in small quantities at $16.40 per ton, plus delivery charges, which were from 50 cents to 60 cents a ton, making $17 a ton.

We do not understand this price and think the bituminous operators in central and western Pennsylvania are being indirectly accused of profiteering.

Nut and egg coal, which are substitutes for anthracite, can be purchased in the Pittsburgh district for $3 per ton at the mines. The freight rate to Richmondville, N. Y., is $3.47 gross ton on the New York Central Lines and $3.62 gross ton on the Pennsylvania Railroad, thus making a delivered price to the coal dealer in Richmondville of $6.47 and $6.62.

Yours very truly,

CLINTON BLOCK COAL CO.,
B. H. CANON, *General Manager.*

Mr. REED of Pennsylvania. Mr. President, at the present time I understand that this fuel is being sold in the city of Washington at $14 and $14.50 a ton. It can be bought from the union mines in the Pittsburgh district at less than $3 a ton in any reasonable quantity that may be suggested, far more than is needed to fill all requirements in this neighborhood. The freight from there is approximately $2.95; the freight on the Baltimore & Ohio Railroad from the mines near the Maryland-Pennsylvania line is $2.84 a ton; the drayage charge in Washington would not in any event exceed $1 per ton; so the total delivery cost of that coal coming from union mines, which pay the highest labor rates, could not by any possibility exceed $6.50 per ton.

If we want to remedy a condition under which our people are being frightfully overcharged for this fuel, the remedy does not lie at the mines but at the town points of delivery.

On the other hand, if people wish to buy this character of coal from mines employing nonunion labor, it can be bought at around $2 per ton from mines which have a freight rate of less than $3 per ton to Washington; so the delivery cost will be less than $6 per ton in Washington. If the gentlemen who have been criticising the coal-mine operators will give some of their attention to the profiteering which is going on by the dealer who contributes nothing but the agency of purchase, I think they can give a better relief to their constituents than by any other means.

Mr. REED of Missouri. Mr. President, will my friend from Pennsylvania permit me to ask him a question?

Mr. REED of Pennsylvania. Yes.

Mr. REED of Missouri. What suggestion has the Senator from Pennsylvania to make for the relief of the people of Washington? Assuming that his figures are correct—and I know that he believes them to be correct—and assuming that there is a profit being taken of $8 per ton, or nearly that, by retail dealers, what is the remedy?

Mr. REED of Pennsylvania. I think the remedy lies in the plain statement of facts. I know of residents of Washington who within the last few days have clubbed together and bought single carloads of coal. I know of one gentleman who spoke to me this morning who bought 50 tons of coal at $2 at the pit mouth from a mine near the Maryland-Pennsylvania line; he paid the $2.84 rate to get it here by freight, and a drayage charge of a dollar a ton to have it delivered to his house. He tells me that coal cost him delivered at his house $6.84 per ton, whereas the cheapest price that he could get quoted to him by a retail dealer was $14 a ton.

Mr. President, if the people only know that they can do it, it is perfectly easy for them to do just what the gentleman to whom I have referred did. The remedy lies in acquainting the people with the facts. He and his neighbors combined and bought 50 tons of coal. It does not take very many consumers to use that much coal, and people can order coal in that way of their own accord at any time they desire to do so.

Mr. REED of Missouri. Does the Senator from Pennsylvania understand that anybody is free to go to a mine and buy coal and have it delivered to him promptly, or is there some understanding or regulation by which there are difficulties thrown in his way or by which there is a refusal to sell to anyone except regular dealers?

Mr. REED of Pennsylvania. Absolutely not. A telegram would start a carload of coal this afternoon to any reputable person who cared to order it. All that is necessary is to get the facts before the people, and they can quickly bring the prices down.

Mr. REED of Missouri. Mr. President, if the prices are held up, there must be some combination among the retailers of Washington.

Mr. BORAH. Mr. President, I should like to ask the Senator from Pennsylvania a question. It seems to be conceded that profiteering is going on somewhere to a very remarkable degree. Is there no protection against such things except the protection which the citizens may possibly give to themselves by reason of a voluntary clubbing together and purchasing in the manner which the Senator suggests? He must bear in mind that there are hundreds of thousands of people so situated that it is practically impossible for them to come together and form associations for the purpose of purchasing coal in the manner which he has suggested; and he must bear in mind, secondly,

that when they do so the agencies which mine the coal and the agencies which ship the coal, together with the retail dealers, have such influence as to make it practically impossible for those people to realize as the result of their efforts. Mr. President, that profiteering prevails is conceded, as has been true in every instance in which this coal question has been up. There is an attempt to put the profiteering here or there, but that it exists there can be no doubt. Now, the question is whether the Government can protect the people against such an unconscionable condition as is now admitted to exist.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from New York?

Mr. REED of Pennsylvania. I yield to the Senator from New York.

Mr. COPELAND. If the Senator is going to speak at any length, I prefer to proceed later in my own right.

Mr. REED of Pennsylvania. I am merely going to answer the question propounded by the Senator from Idaho.

My purpose in having the letter read into the RECORD was to show that the retail dealer in the town mentioned by the Senator from New York was receiving more for his service over and above his expenses of distribution, including the drayage of the coal, than all that was paid to the owner of the coal mine, plus all that was paid to the labor of the men who mined the coal, plus all that was paid to the railroad that carried it several hundred miles. All of those costs amounted to less in the consumers' price than the profit of that retail dealer.

Of course, there is nothing the national Government can do to get at the retail dealer in Richmondville, N. Y., who charges too much. The remedy lies in a knowledge of the facts by the people with whom he deals and a knowledge of the profit that is available for anybody who wants to import a carload or a larger quantity of coal, for, if the profit is understood, ordinary economic laws will bring the remedy.

Mr. BORAH. There is not a man in Washington who purchases a bucket of coal who does not understand the facts perfectly, and that he is being charged four times what he ought to be charged, but he is perfectly helpless to get any relief unless he can form a combination stronger than all the other combinations. There is no want of facts. The very fact that coal jumped three or four prices after the strike occurred was proof positive to everybody that every one connected with the coal industry was taking advantage of the situation.

Mr. REED of Pennsylvania. That is just what I am trying to clear up, Mr. President—the misunderstanding that still seems to persist in the mind of the Senator from Idaho. Everybody connected with the production of coal is not taking advantage of the situation. The producer of the coal is not; the railroads are not; and the only profiteering that I can see is on the part of the distributers. I do not believe that that fact has been understood.

Mr. BORAH. Mr. President, there is no doubt that profiteering exists other than where the Senator thinks. The facts which he gives may be correct in that particular instance, but I have in my office plenty of figures showing the advantage which has been taken of the situation by others than retailers.

Mr. REED of Pennsylvania. Mr. President, if they are profiteering in the soft-coal industry, then it is strange that a great many of the mines are still shut down because they can not receive for their coal enough to pay the cost of mining it.

Mr. BORAH. The reason why they are shut down is because they can not afford to open up for 30 or 60 or 90 days, and those who are in control of the situation are so in control of it that they can raise or lower the price in order to compel other people to close their mines whenever they see fit to do so.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. REED of Pennsylvania. I yield to the Senator from Ohio.

Mr. WILLIS. I just want to answer the suggestion made by the Senator from Idaho touching the part of the railroads in this matter. I happen to know of a situation in the State which I in part represent. The mines are down in that State. Why? Because the railroads that haul the coal give a better rate to the lake ports from the States of Kentucky and West Virginia than they give to mines in the State of Ohio.

Coal is hauled directly through the State of Ohio at a rate lower than that which is given to coal produced in the State of Ohio.

Mr. REED of Pennsylvania. And the same situation prevails in western Pennsylvania.

Mr. SACKETT. Mr. President, will the Senator from Ohio please State what the rates are?

Mr. WILLIS. I can get the rates for the Senator. I reiterate the statement I have just made. I have the figures in my office, and I can show the Senator that that is true—that coal is hauled from the Senator's State and from the State of West Virginia through Ohio to the lake ports, and the shipment is made at a lower rate than is given coal that is mined in the State of Ohio; and for that reason our mines are down. I congratulate the Senator that he has such a situation that the mines in his State are working; but I am seeking to give an additional reason why our mines are down, because of the peculiar situation affecting rates.

Mr. REED of Pennsylvania. Mr. President, I will answer the Senator's question in dollars and cents. I understand that Harlan is in Kentucky. Is not that so?

Mr. SACKETT. Yes, sir.

Mr. REED of Pennsylvania. You can send a ton of bituminous coal from Harlan, Ky., to the lake ports, an average haul of 448 miles, for $1.91 a ton, while from Clearfield, Pa., to send one ton of the same kind of coal to the same ports, a distance of 304 miles, costs $2.38 per ton.

Mr. SACKETT. What is the rate from Pittsburgh, from which the coal goes to the lake ports?

Mr. REED of Pennsylvania. The coal does not go from Pittsburgh.

Mr. SACKETT. From the Pittsburgh district.

Mr. REED of Pennsylvania. Clearfield is in the central Pennsylvania district.

Mr. SACKETT. Yes.

Mr. REED of Pennsylvania. The distance from Pittsburgh to the lake ports is 177 miles, and the rate is $1.66 a ton.

Mr. SACKETT. Compared with $1.91 from the Harlan, Ky., fields, I think the Senator said.

Mr. REED of Pennsylvania. A difference of about 25 cents a ton for an extra haul of nearly 300 miles.

Mr. SACKETT. Correct; but does not the Senator know also that that differential rate has been in effect for a number of years at just about the same amount, and that businesses have been built up on the basis of those rates, and millions of dollars have been invested in the development of coal mines because of the grouping of those rates, and that prior to the last two years the mines of the Pittsburgh district had no difficulty in competing for the lake trade and taking the bulk of it and building up a tremendous business into the Northwest, and yet all the time that differential continued in effect?

Mr. REED of Pennsylvania. Mr. President, I know that the mines of western Pennsylvania and Ohio have been losing their proportion of that trade throughout the last 15 years; that protests have been repeatedly made to the Interstate Commerce Commission; that the examiners of the commission themselves have said that these rates are wholly unjustifiable; that they have recommended a new rate structure; but, for no other reason on earth than that they wanted to build up what they called a new industry, the Interstate Commerce Commission has confirmed the rates that were in effect, and has refused to rectify them.

Mr. SACKETT. And yet the rates are lower from the Pittsburgh district than they are from West Virginia and Kentucky.

Mr. REED of Pennsylvania. The rates are not lower.

Mr. SACKETT. They are in the total rate per ton.

Mr. REED of Pennsylvania. From the city of Pittsburgh they are lower, but from the towns in the Pittsburgh district they are not. Let me give you one, for example—Spangler, Pa., which is about 60 miles from the city of Pittsburgh. It costs, to send a ton of coal from there to the lake ports, $1.98 a ton for a haul of 260 miles; and yet to send a ton of coal twice the distance from Harlan, Ky., it costs less, or $1.91. What possible justification in common sense, in rate making, in the building up of new industries or any other theory, can be given for such an inequality?

Mr. SACKETT. Because the rates from that district on the coal hauled to the lake ports have continually been an average of 25 cents per ton lower than those rates which have existed from West Virginia and Kentucky and mines in that section, and yet even under those circumstances those mines have been able gradually to get some of that business to the lake ports and have been able to afford the people of the Northwest to whom that coal must go some competition in getting coal for their winter use. The rate is lower. It may not be lower per ton-mile, but it is lower per ton of coal, as it crosses the country and passes out through the Lakes, than is the rate from West Virginia and Kentucky.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. REED of Pennsylvania. I do.

Mr. WILLIS. I want to say just a word in response to the observation now made by the Senator from Kentucky [Mr. SACKETT].

In the first place, he is laboring under a misapprehension if he assumes that the coal for the up-lake traffic comes largely from the Pittsburgh field. As a matter of fact, I live in a town where I see the great coal trains on three great roads going through day and night, not coming at all from the Pittsburgh field or having anything to do with it. Those trains go to Sandusky, to Toledo, some of them farther east to Conneaut, to Huron, to Fairport, and the various ports along Lake Erie. I know from personal investigation that that coal is hauled right through the State of Ohio for a rate very much less than is accorded to coals that are mined within the State of Ohio.

The Senator says that those rates have existed for a long time, and that a great business has been built up. Very true; but does that justify it, simply because the rates have existed for a good while and a great business has been built up in Kentucky and West Virginia? That, in my opinion, does not justify a continuance of rates that kill the coal business in Ohio and Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, will the Senator let me give him an illustration at this point?

Mr. WILLIS. I shall be pleased to have the Senator do so.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. REED of Pennsylvania. Mr. President, the rate on a ton of soft coal from Ironton, Ohio, to the lake ports is $1.91, exactly the same as from Harlan, Ky.; but the Kentucky coal travels 448 miles, while the coal that is shipped from Ironton, Ohio, travels only 258 miles.

Mr. WILLIS. Precisely.

Mr. REED of Pennsylvania. They get 200 miles of haul for nothing. Providence put Ironton, Ohio, 200 miles closer to those people of the Northwest than Harlan, Ky., and yet the Interstate Commerce Commission, standing blindly for this rate structure, will negative all that natural advantage that Ironton, Ohio, ought to have.

Mr. COPELAND obtained the floor.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Minnesota?

Mr. COPELAND. I yield to the Senator.

Mr. SHIPSTEAD. I should like to ask the Senator from Ohio a question, with the permission of the Senator from New York.

The PRESIDING OFFICER. Does the Senator from New York yield for that purpose?

Mr. COPELAND. I yield.

Mr. SHIPSTEAD. I should like to ask the Senator from Ohio if the coal mines of Ohio are not what are called union mines?

Mr. WILLIS. They are.

Mr. SHIPSTEAD. If the Senator from New York will permit me for just a moment, I want to say that this little discussion this afternoon has been very illuminating. The Coal Commission in its report stated that the power to fix railroad rates had a great deal to do with the production of coal. In view of the fact that charges have been made time and time again that the Interstate Commerce Commission has discriminated against coal mines operated by union labor in reducing freight rates to nonunion mines, and in view of what has taken place here this afternoon, it seems to me that it is as plain as the English language can make it that the power of the Government has been used to lower rates to nonunion mining territory for the purpose of breaking labor unions in regions where labor is organized in the coal industry. That may explain to the Senator from Ohio why the union mines of Ohio have been idle this winter.

Mr. REED of Pennsylvania and Mr. JONES of New Mexico addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield; and if so, to whom?

Mr. COPELAND. I will yield to the Senator from Pennsylvania for a very brief statement.

Mr. REED of Pennsylvania. I was only going to add one sentence to what the Senator from Minnesota has said. There is great force in his point. The mines in Ohio and Pennsylvania are paying either the union scale or the substantial equivalent of it. They are paying a living wage, and thereby they suffer an additional disadvantage against these other new fields, which pay a very much lower scale; and yet, in spite of that, the Interstate Commerce Commission increases their rates and makes it impossible for them to operate.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Mexico?

Mr. COPELAND. I do.

Mr. JONES of New Mexico. I should like to express a word of appreciation for the remarks of three of our very able Senators. What they have said has had a direct bearing upon a question which has been near my heart ever since I have been in the Senate.

We have listened to criticisms of the fact that in some localities coal is hauled as much as 100 miles for the same price that they will haul it for an additional mileage from another locality. I call attention to the fact that there is an immense traffic, not of coal perhaps but of general commodities amounting in the aggregate to millions of tons, worth millions of dollars, which is constantly being carried a distance of 1,500 miles for less than at the point which I have in mind. It is not at all an uncommon thing to see trainload after trainload of merchandise pass from the East through the States of New Mexico, Colorado, Wyoming, and Montana to the Pacific coast, a distance 1,500 miles beyond, and at a less rate than they unload the same commodities in the Rocky Mountain region. So when the so-called Gooding bill comes up for consideration, as it will again at this session of the Senate, I feel sure that we can count upon these very able recruits; and we shall rely upon the Senator from Pennsylvania, the Senator from Ohio, and the new Senator from Kentucky to join with us in trying to do at least a measure of justice to the people of the West.

Mr. SMOOT. Mr. President, may I add to what the Senator has already stated, that that applies not only to freight going from the east to the west, but it applies also to freight coming from San Francisco, or other coast points, to the east.

Mr. JONES of New Mexico. The Senator from Utah is quite right, and I thank him for making the observation.

Mr. REED of Pennsylvania. Will the Senator from New York yield to me to ask a question of the Senator from Utah?

Mr. COPELAND. I think I will take the floor now.

Mr. REED of Pennsylvania. Just one question.

Mr. COPELAND. Very well.

Mr. REED of Pennsylvania. I would like to ask the Senator from Utah if it is not a fact to-day that it is cheaper to ship sugar from Ogden, Utah, to San Francisco, and back through Ogden, Utah, to Chicago, than it is to ship it direct to Chicago over the same route?

Mr. SMOOT. I can not say the rate is lower; but it is no greater. I can cite a case that will tell the story completely. Some time ago I wanted to buy a few carloads of wool, and I went to San Francisco to buy it. After purchasing about three or four carloads of wool, I went to the railroad and asked them what the rate on wool was. They said that it was 75 cents a hundred. They asked, "Where do you want to ship it; to Boston, or to Philadelphia?" I said, "No; I want to ship it to Provo, Utah." They answered, "Oh, well, then the rate is $2.25," three times the rate to the east, and one-third of the distance. That is a case I have had in my own experience.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. The Senator from New York has the floor. Does he yield?

Mr. BROOKHART. Will the Senator yield to me a moment?

Mr. COPELAND. If the Senator wants me to yield for a question I will yield; but I want to say something about coal.

Mr. BROOKHART. I want to call the attention of the Senate to this: The Senator from Pennsylvania seems to lay the blame on the Interstate Commerce Commission. I know that all these charges that have been made with reference to rate discriminations are true; but I want to say that the same discriminations were worse before the Interstate Commerce Commission had power to fix rates than they are now. I can bring the Senator a set of figures from my State covering a period extending 31 years back, showing discriminations on everything, built up on the basic point theory, before the Interstate Commerce Commission had any power at all. That broke down the development of industries in the State of Iowa almost entirely.

Mr. COPELAND. Mr. President, this discussion is very interesting to economists, but it will not heat the homes of the poor. The Senator from Pennsylvania [Mr. REED] intimates that there is really no excuse for the people in Richmondville, N. Y., paying such a price as they do pay for coal. The fact is, however, they do pay it. It is well to repeat the story of the lawyer who said to his client in the jail, "They can not put you in jail for what you have done," but the client answers, "No; but they have." The fact remains that the people in my State are paying exorbitant prices for unsuitable coal substitutes. They are paying $33

for anthracite, and are paying as high as $22 for a very poor quality of bituminous coal, and $20 for coke.

The Senator from Pennsylvania has said that the prices in Washington are exorbitant. There is only one power which can control conditions here in the District of Columbia, and that is Congress.

I can not understand the attitude of the administration Senators in their unwillingness to indicate to the President of the United States that there is a real interest in this body regarding the coal situation. I am fully aware that the passage of the resolution I presented the other day and which is pending here requesting the President to take whatever steps are proper and necessary does not give him any authority to do a definite thing, but it does indicate to the President that the Senate would like to have something done. I am forced to believe that the Senate does not want anything done, that the Senate is perfectly willing to have a situation continue which will result in illness and death among the families of the poor.

A bill was introduced on the 8th of December by the Senator from Nevada [Mr. ODDIE], known as Senate bill No. 3. That bill, as I understand it, is in a sense the administration bill, intended to carry out the recommendations made by the President of the United States in his message to Congress. It contains many splendid features. I hope that when the time comes it will be given consideration by the Senate and that many of the matters contained in the bill will be enacted into law.

I am glad the Senator from Nevada, the author of this bill, chairman of the Committee on Mines and Mining, to which the bill has been referred, is in the Chamber, because I am going to challenge him now to accept at once a proposal to enact the emergency feature of his bill. I hope his bill has been read by Senators, but I want to call attention to page 21 of the bill. Beginning with the last word on line 16, page 21, the bill reads:

> In the event it shall be the judgment of the President that a national shortage of fuel exists, he shall have authority to declare as operative and in full effect the provisions of the act approved September 22, 1922, entitled "An act to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities during the present emergency, and to prevent the sale of fuel at unjust and unreasonably high prices.

That is exactly what we want done now. It deals with the situation to which attention has been called by the Senator from Pennsylvania. We want to prevent the sale of fuel at unjust and unreasonably high prices.

The bill introduced by the Senator from Nevada providing for a Fuel Administrator. The act of September 22, 1922, expires at the end of one year. The Oddie bill gives the President authority to put that act into effect again.

Then it adds these words, which I read from page 22, line 2:

> *Provided, however,* That said act approved September 22, 1922, is hereby amended to require that the Interstate Commerce Commission shall immediately comply with such recommendations as the Federal fuel distributor may make, not in conflict with existing law, which, in his opinion, will relieve, or tend to relieve, any shortage of anthracite or bituminous coal during the existence of the said emergency.

I call attention to line 20, page 22, where it provides:

> Said act of September 22, 1922, as amended by this act, shall continue in full force and effect until the President shall by public announcement declare such emergency to have ceased to exist.

Mr. President, I send to the desk and ask to have printed as a part of my remarks a joint resolution which recites exactly what I said in the Senate resolution now pending and adds the identical language of the emergency feature of the Oddie bill:

> Whereas anthracite-coal mining has been at a standstill for months and in consequence the bins of dealers and consumers are empty; and
>
> Whereas the conference between the coal operators and miners has ended in failure; and
>
> Whereas there is imminent danger to the public health and welfare because of the lack of an essential fuel, for which substitutes are unsatisfactory and unduly expensive: Therefore be it
>
> *Resolved, etc.,* That the President of the United States be, and he is hereby, requested to take whatever steps are necessary and proper to bring about an immediate resumption of anthracite-coal mining, and in the event it shall be the judgment of the President that a national shortage of fuel exists, he shall have authority to declare as operative and in full effect the provisions of the act approved September 22, 1922, entitled "An act to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities during the present emergency, and to prevent the sale of fuel at unjust and unreasonably high prices": *Provided, however,* That said act approved September 22, 1922, is hereby amended to require that the Interstate Commerce Commission shall immediately comply with such recommendations as the Federal fuel distributor may make, not in conflict with existing law, which, in his opinion, will relieve, or tend to relieve, any shortage of anthracite or bituminous coal during the existence of the said emergency.
>
> Said act of September 22, 1922, as amended by this act, shall continue in full force and effect until the President shall by public announcement declare such emergency to have ceased to exist.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nevada?

Mr. COPELAND. I yield.

Mr. ODDIE. I should like to say very emphatically, in reply to the Senator's statement, that the bill I introduced is not an administration bill, that it can not be so regarded, because it is a bill drawn by myself and not under the advice or after consultation with the administration at all. This bill now is before the Secretary of Commerce for his approval.

In my remarks the other day I stated that I believed that it was not wise for the Committee on Mines and Mining to press this bill at this time, while the anthracite situation is in a condition of such controversy. I feel that way to-day, although the bill is in the hands of the Secretary of Commerce, and he is the one who will send a report to the committee, at such time as he sees fit, in order that the committee may act on it.

Mr. COPELAND. Mr. President, I regret beyond words the statement of the Senator from Nevada that this is not an administration bill. If I rightly understand what he said, there is no administration bill; there is no administration policy; there is no intent or apparent desire on the part of the administration to relieve this situation.

Mr. ODDIE. Mr. President, I call the Senator's attention to the message to Congress by the President of the United States. He recommended that certain coal legislation be enacted. Many of the provisions in the bill I have introduced comply with the suggestions made by the President in his message.

Mr. COPELAND. Mr. President, I can not conceive it possible that the President of the United States is so indifferent to the physical sufferings of his fellow citizens that he wishes nothing done. I am convinced that if the Senate would indicate its interest in the situation by passing some resolution about the emergency, that would stimulate the President to take some step looking toward an adjustment of the present situation.

It is very well, indeed, for any Senator to say that coal can be bought at the mines for $2 or $3 per ton. I know that. I have had letters from mining concerns in Kentucky offering to sell me all the coal I can buy at $2 a ton at their mines. But what good does that do, when the people in New York and in Pennsylvania and in every State in New England can not buy coal at any price?

If I had known this debate was to come on to-day, I should have had these letters I have received with me in order that they might be inserted in the RECORD. Among others, I had a letter from a constituent of mine living in Brooklyn, giving the names of 12 firms, leading coal dealers of that city. He had visited them for the purpose of getting coal to heat a little two-story apartment house, and there was no coal to be had at any price.

In my own community in New York State during the Christmas holidays I was utterly unable to buy either anthracite or bituminous coal. I did find coke, which is a very unsatisfactory substitute for coal, and I paid for it a very high price, far beyond the normal price for anthracite.

I have letters from Philadelphia, from other places in the State of Pennsylvania, criticizing the Pennsylvania Senators because they seem to be indifferent to the situation. I was very much surprised the other day when the Senator from Pennsylvania [Mr. REED] made such a plea for substitutes—for bituminous coal, for coke, and so forth—when in his State there are 600,000 persons suffering from hunger and from illness because of the situation in the anthracite mines. I should think the Senator from Pennsylvania would be exerting every effort to reopen those mines in order that in his own State there should not be suffering among the families of the miners. He spoke, too, about the merchants up in that section who were suffering and likely to go into bankruptcy.

I should think that in the interests of the merchants of his State he would want to have the mines reopened.

Mr. President, so far as I am concerned, I do not care who does it or who gets the glory for it or what the procedure is, but I beg Senators to find some way to relieve a situation which is imperiling the public health and welfare. The Senator from Nevada [Mr. ODDIE] disclaimed administration authorship or responsibility for this bill, but he makes the plea to us to do nothing until his bill has been given consideration. In the name of humanity I ask him why not then enact the emergency feature of the Oddie bill, in identical language with his bill? Let us do that much now to take care of the present situation and then at our leisure, in the springtime, when the air is balmy, we may give consideration to the other features of the bill which deal with the chronic disease.

But regardless of all theory, regardless of what people can do if they group together by fifties or twenties or tens, regardless of all theories which may be put forth, the condition remains that the people can not get decent coal, and if they can get any at all it is at such an exorbitant price that it is beyond their means to purchase. To buy coal at all they must go without adequate food, clothing, and other necessities.

I have no desire to play politics in this matter. I will gladly withdraw from the debate. I will turn over any material I have to any Senator on the other side of the aisle. It can be made an administration matter. It can be put to the glory of the Coolidge administration. I do not care how it is done, but in the name of hundreds of thousands of citizens in my State and more in other States in the North I appeal to Senators to take some effective action.

Mr. President, I ask that the joint resolution which I send to the desk may be received, printed, and lie over under the rule, so that it may be given consideration at the earliest date the rules will permit.

The joint resolution (S. J. Res. 43) requesting the President to take steps to bring about an immediate resumption of anthracite coal mining was read twice by its title.

The PRESIDING OFFICER. The joint resolution will lie on the table.

Mr. REED of Pennsylvania. Mr. President, the attitude of the Senator from New York reminds me of what Mark Twain once said, that people talk all the time about the weather but nobody does anything about it. The Senator talks all the time about something that ought to be done, but he never suggests anything that can be done. He puts in the RECORD a complaint from his own State of New York about the excessive price that is charged to consumers there for fuel, and when I reply to him by showing that it cost the dealer there $5.84 a ton and that the local dealer in New York tacks on a profit of more than $10 a ton, he rises and says that we in Pennsylvania ought to do something about it. He never volunteers even an expression of interest toward any action in New York against the man who is getting two-thirds of that price for the smallest service that is rendered from the mine to the consumer's cellar.

Mr. President, what does the Senator think the President could do to help the situation in the mining region?

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from New York?

Mr. REED of Pennsylvania. I yield.

Mr. COPELAND. He could do what Theodore Roosevelt did. He could call the operators and the miners to the White House, and when they once saw the President of the United States, representing the popular opinion of the country, demanding a settlement of the strike and a resumption of anthracite mining, a plan would be worked out and in operation before sundown of that day. That is what the President of the United States could do.

Mr. REED of Pennsylvania. The Senator knows perfectly well that the strike can not be settled to-day without an increase in wages. He knows perfectly well that if the President brought about a conference that resulted in an increase in wages, the Senator from New York himself would be the first to rise in his place and complain that President Coolidge had raised the price of coal to the consumers in his State of New York. He knows perfectly well that the President is absolutely without any power except as his position entitles his recommendation to be listened to with respect. He knows perfectly well that the President can not compel either side to this controversy to abate their demands. He knows that fruitless conferences have been held for weeks and months past in an effort to arrive at a compromise. If they had not had those conferences the President might summon them before him, but what good would be accomplished by his bringing them together when only last week they separated as unable to agree?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Idaho?

Mr. REED of Pennsylvania. I yield.

Mr. BORAH. May I ask the Senator from Pennsylvania a question, because he is now presenting a situation which must be of great concern to everybody. Here are the anthracite mine owners and the anthracite miners, and it seems to be the situation that they can not agree, and therefore the mines are closed down. One hundred and ten million people, or that portion of them who are interested in the situation, must await the decision of those peoples represented by the mine owners and the mine workers before they can have any relief. I agree with the Senator from Pennsylvania that the President himself has perhaps no power except moral persuasion, which under the circumstances would not be very effective, and I am not presuming to criticize the President for failing to act.

But, secondly, there must be lodged somewhere in the Government the power to control the situation, which situation, if continued, imperils the health and the life of an entire people. In my opinion the fault of the situation lies here in the Congress rather than with the President. I think it up to the Congress of the United States to find the power if it exists; if it does not exist, to provide by a change of the instrument under which we live that it may exist, to the effect that people can not seize the great natural resources of the country, without which we can not live, and conduct them as if they were purely private affairs. It is impressed with a public service, and the Government has the right to impress upon it the stamp of a public service. In time we will have to take that position in order to protect the people of the United States.

Mr. REED of Pennsylvania. Mr. President, I tried to bring out the other day, and I thought with some force, that the only real suffering in this country because of the strike is in the mining regions themselves. There is a perfectly adequate supply of cheap fuel, barring local profiteers like those about whom the Senator from New York [Mr. COPELAND] proposes to take no action—a perfectly adequate supply of cheap fuel available to the whole United States, and only about one-tenth of the United States uses anthracite anyway. But the suffering in the anthracite regions is becoming more intense every day, and if there were anything that could be done, if anybody could suggest a practical method of putting an end to it, I can assure the Senator that we would be glad to take the lead.

It has been intimated that the present situation is a conspiracy between the operators and the miners to force a higher price on a long-suffering public. The very consideration of the situation in the hard-coal region shows the absurdity of that suggestion. The miners' suffering, the suffering of those people who are dependent upon them, and the suffering of all the community which owes its livelihood to this industry, is so much greater than any possible increase in wages over the next five years could compensate for, that it is obvious that the men have not entered into any such conspiracy. The losses of the operators during this period of suspension are so much greater than any possible increased profit during the next few years could compensate them for, that it is equally obvious that they are not conspiring by that small profit to overcome the enormous present losses. The suggestion disproves itself.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from New York?

Mr. REED of Pennsylvania. I yield.

Mr. COPELAND. The Senator is so impressed with the futility of the proposal I made that I am led to ask if his fertile brain can not propose something that will give relief to the miners in his own State? If they are relieved I think that those who suffer in my State will be relieved. But if his interest is only within the confines of his own State, in the name of high heaven why not propose something that will give relief to the miners?

Mr. REED of Pennsylvania. Because, unlike some Senators, I wait until I have something to suggest before I start to make suggestions.

Mr. COPELAND. Next spring we will have warm weather. Perhaps by that time a thought may come to the Senator.

Mr. HEFLIN. Mr. President, the Senator from New York [Mr. COPELAND] in the beginning of his remarks said that it seemed the Senate was not in favor of taking any action in the matter of the anthracite coal strike. I am in sympathy

with the Senator from New York in the position he has taken. I think there are several Senators here who feel as I do about it. The situation was strongly stated by the Senator from Arkansas [Mr. ROBINSON] a few days ago when he said these strikes have become annual occurrences. It does seems as though there is some secret understanding somewhere. The strikes take place; the public is held up; the price of coal advances; and people suffer because they are not able to pay the price.

The Senator from Pennsylvania [Mr. REED] has stated that the strike in Pennsylvania has nothing to do with the situation in New York; that the price advance in New York is because local dealers desire more profit. Mr. President, the existence of the strike gives every coal dealer in anthracite coal everywhere the opportunity to raise the price of his coal; because when men and women call for coal, the dealer immediately throws up his hands and says: "The supply is going to be exceedingly scarce; the mines are all tied up in Pennsylvania; you had better get in your order and get it in quickly; the price is advancing rapidly now; I can supply you with a hundred tons of coal immediately"—at a certain figure—"but if you wait two or three weeks you will probably have to pay much more than that."

Then what happens? The man who needs the coal tells other people about his experience; he tells them if they want to get coal they had better hurry in their orders, because the price is going to be advanced very rapidly, and that the supply may not be adequate. So the dealers make the public keen and hungry for coal; they get them agitated and excited, and they commence wiring and writing in for their coal supply. The anthracite dealers in other States take advantage of the situation which is created by the strike in Pennsylvania, and the price of coal advances to enormous figures.

Mr. President, what are the people of New York City and in cities in other Northern States going to do for coal if the supply is inadequate and the price is sky-high? Somebody, as the Senator from Idaho [Mr. BORAH] has just said, ought to come to the rescue. Who is that somebody, if it is not the Government? The Government is set up for the purpose of looking out for the welfare of the citizen; the welfare of the citizen is the whole end and aim of constitutional government. It is the citizen who must have coal or freeze. Yet he must stand by and look on while the mine owners and those who dig the coal are in deadlock as to what they are going to do and drag their differences through the months when the cold winter is upon us. What are we going to do if the Government can not come in and interfere?

Mr. President, some Senators seem to think that nobody has any interest in the situation except the man who owns the mine and the man who digs the coal from the ground. That is not the situation. The public is concerned; the public has a right to demand that the necessities of life shall be within its reach at reasonable prices.

If that proposition is not sound, then a few men could buy up all the necessities of life in the United States and have the whole population at their mercy; the Government would be powerless to speak; the profiteer would flourish; and the people would suffer greatly.

I am in favor of doing something. I am in favor of passing this resolution, of calling on the President to tell us what he can do or what suggestion he has to make. If he has not any power, let him send us a statement to that effect; let him point out wherein he would like to have authority to act. I should like to give him some authority to act if he has not the authority. Let us follow the suggestion made by the Senator from New York and the Senator from Idaho, and let Congress take action.

I want to ask a question of the Senator from New York. He has stated that some one in Kentucky wrote him that he would sell coal at the Kentucky mines for $2 a ton. What do people now have to pay for coal in New York?

Mr. COPELAND. They have to pay $20 a ton.

Mr. HEFLIN. That price is simply outrageous. No wonder thousands of people in the Northern States are suffering and shivering in the cold.

Senators, it is high time that Congress should act in an effort to do the fair and just thing by those who dig the coal and those who own the mines and to the thousands of men, women, and children who are suffering because of the dreadful anthracite-coal situation in the United States.

Mr. WILLIS subsequently said: Mr. President, a little while ago, in a colloquy between the Senator from New York [Mr. COPELAND], the Senator from Kentucky [Mr. SACKETT], and myself, there was some question touching coal rates. I then referred to those rates, but did not have them with me. I now ask permission to have inserted in the RECORD the comparison of lake coal rates, to which I then made reference.

The VICE PRESIDENT. Without objection, permission is granted.

The rates are as follows:

*Comparison of lake coal rates*

| District | Route | Port | Distance (miles) | Rate, May 4, 1921 to Nov. 30, 1921[1] | Rate per ton per mile (cents) | Present rate, July 1, 1922 | Rate per ton per mile (cents) |
|---|---|---|---|---|---|---|---|
| Ohio No. 8 | P. Co | Ashtabula | 159 | 1.55 | 0.91 | 1.63 | 1.03 |
| Do | B. & O | Lorain | 150 | 1.55 | 1.03 | 1.63 | 1.09 |
| Do | P. Co | Cleveland | 134 | 1.55 | 1.16 | 1.63 | 1.22 |
| Do | W. & L. E | Huron | 152 | 1.55 | 1.05 | 1.63 | 1.07 |
| Hocking | H. V. Ry | Toledo | 195 | 1.55 | .80 | 1.63 | .84 |
| Do | T. & O. C | do | 194 | 1.55 | .80 | 1.63 | .84 |
| Do | K. & M.-T. & O. C | do | 241 | 1.55 | .64 | 1.63 | .68 |
| Do | Z. & W.-T. & O. C | do | 206 | 1.55 | .75 | 1.63 | .79 |
| Cambridge | P. Co | Cleveland | 151 | 1.55 | 1.03 | 1.63 | 1.08 |
| Pittsburgh | W. S. B.-W. P. T.-W. & L. E | Huron | 171 | 1.58 | .92 | 1.66 | .97 |
| Do | B. & O | Lorain | 220 | 1.58 | .72 | 1.66 | .75 |
| Do | P. Co | Cleveland | 166 | 1.58 | .95 | 1.66 | 1.00 |
| Do | P. & L. E. Erie | do | 160 | 1.58 | .99 | 1.66 | 1.04 |
| Do | B. & O | Fairport | 162 | 1.58 | .975 | 1.66 | 1.02 |
| Do | P. Co | Ashtabula | 158 | 1.58 | 1.00 | 1.66 | 1.05 |
| Do | P. & L. E., N. Y. C | do | 152 | 1.58 | 1.04 | 1.66 | 1.09 |
| Do | B. & L. E | Conneaut | 131 | 1.58 | .87 | 1.66 | .92 |
| Do | P. Co | Erie, Pa | 177 | 1.58 | .89 | 1.66 | .96 |
| Fairmont | Mon.-Con.-P. Co | Ashtabula | 244 | 1.73 | .71 | 1.81 | .74 |
| Do | B. & O | Lorain | 250 | 1.73 | .69 | 1.81 | .79 |
| Kanawha | K. & M.-H. V. Ry | Toledo | 322 | 1.83 | .57 | 1.91 | .59 |
| Do | C. & O.-H. V. Ry | do | 337 | 1.83 | .54 | 1.91 | .57 |
| Do | K. & M.-T. & O. C | do | 329 | 1.83 | .56 | 1.91 | .58 |
| Do | C. & O.-C. H. & D | do | 445 | 1.83 | .41 | 1.91 | .43 |
| Thacker | N. & W., H. V. Ry | do | 342 | 1.83 | .535 | 1.91 | .56 |
| Kenova | N. & W., P. Co | Sandusky | 333 | 1.83 | .55 | 1.91 | .57 |
| Kentucky | C. & O., B. & O | Toledo | 440 | 1.83 | .41 | 1.91 | .43 |
| Do | C. & O., H. V. Ry | do | 358 | 1.83 | .51 | 1.91 | .53 |
| Do | S. V. & E., B. & O | do | 487 | 1.83 | .375 | 1.91 | .39 |
| Do | L. & N., B. & O | do | 418 | 1.83 | .44 | 1.91 | .46 |
| New River | C. & O., H. V. Ry | do | 400 | 1.98 | .495 | 2.06 | .52 |
| Do | C. & O., B. & O | do | 484 | 1.98 | .41 | 2.06 | .43 |
| Pocahontas | N. & W., H. V. Ry | do | 431 | 1.98 | .46 | 2.06 | .48 |
| Do | N. & W., P. Co | Sandusky | 422 | 1.98 | .47 | 2.06 | .49 |

[1] Rates resulting from the 28-cent reduction.

## THE WORLD COURT

The Senate, in open executive session, resumed the consideration of Senate Resolution 5, providing for adhesion on the part of the United States to the protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice, with reservations.

Mr. LENROOT. Mr. President, I wish to occupy the time of the Senate for only a few moments. Yesterday in his ad-

dress the Senator from California [Mr. JOHNSON] dwelt at some length upon the matter of sanctions under the covenant of the League of Nations. Senators may remember that I asked him if that were a reason for our refraining from adhering to the World Court, if it were not likewise a reason for our withdrawing from the court of arbitration at The Hague. It will be recalled that the Senator from California, as was well within his right, declined to yield for a further colloquy upon that subject.

Mr. President, the only sanctions that there are in the covenant of the League of Nations to-day apply to awards. There are no sanctions applying to the judgments of any court.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LENROOT. Yes.

Mr. BORAH. Is not the Senator in error about that? Amendments have been proposed——

Mr. LENROOT. I am coming to that.

Mr. BORAH. Very well.

Mr. LENROOT. It is true that amendments have been proposed by the council and assembly to the covenant so that sanctions will apply to the judgments of this court. However, sufficient ratifications have not as yet been had to put those amendments in force.

Mr. BORAH. That is a matter about which I was going to ask the Senator. I am informed that ratification has now been completed, so that the condition at present exists. That information comes to me from one who is in a position to know the fact. Of course it is hearsay with me, but my informant told me that within the last 60 days a sufficient number of ratifications had been received to include the amendments in articles 12, 13, and 16.

Mr. WILLIAMS. Mr. President, may I interrupt the Senator?

Mr. LENROOT. I will yield in a moment. I am entirely willing to accept the statement of the Senator from Idaho, although I was not aware of the fact that ratification had been completed. But granting that to be so, Mr. President, if the amendments have been ratified, it puts sanctions in the covenant of the League of Nations with reference to judgments of this court exactly where they are now with reference to awards in arbitration. The Senator from Idaho, I am sure, will not question that statement. So, Mr. President, we are at this point, that opponents of the pending resolution must admit that there are sanctions in the covenant applying to any award made as a result of arbitration through The Hague court; and if it is to be argued that we are in any way involved or we are in any way endangered by reason of the fact that there is a sanction in the covenant of the League of Nations in respect to a judgment of this court, we are already involved, because there are sanctions involving awards made by The Hague Court of Arbitration.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield further to the Senator from Idaho?

Mr. LENROOT. I yield.

Mr. BORAH. Let me understand the Senator, for I am afraid I do not. Do I understand the Senator to contend that by reason of the provisions of articles 12, 13, and 16 sanctions may be said to exist with reference to arbitral awards which may be made before the arbitral tribunal at The Hague as distinguished from the Court of International Justice at The Hague?

Mr. LENROOT. Yes.

Mr. BORAH. Then do I understand the Senator to contend that by reason of the covenant there has been imposed upon another body, to wit, the arbitral tribunal at The Hague, an obligation which did not exist prior to the covenant?

Mr. LENROOT. Not at all.

Mr. BORAH. Does the Senator contend that the same sanctions existed with reference to The Hague tribunal prior to the covenant that exists now?

Mr. LENROOT. So far as The Hague tribunal is concerned; exactly the same.

Mr. BORAH. Then the covenant has not changed that at all?

Mr. LENROOT. Not at all so far as The Hague tribunal is concerned.

Mr. BORAH. Then we may start with the proposition that if there are any sanctions connected with The Hague tribunal now they existed prior to the covenant, and the covenant has nothing to do with them?

Mr. LENROOT. Certainly.

Mr. SHIPSTEAD. Let me ask the Senator a question.

Mr. LENROOT. Just a moment, if the Senator please. Let me develop this thought. There were no sanctions at any time in the convention creating The Hague tribunal. There are no sanctions now in the statute to which we are asked to adhere. The only sanctions there are are those which exist under an agreement made between a group of nations that, as between themselves, they will take action if there is a failure, in the one case, to abide by an award to which they have voluntarily submitted, and, in another case, if the amendments have been ratified, that they will endeavor to force one of their members to abide by a judgment in any case which they have voluntarily agreed to submit to the court. There are no sanctions in either case applying either to the statute or to The Hague Court of Arbitration.

Mr. BORAH. In other words, as to The Hague Court of Arbitration there are no provisions with reference to sanctions?

Mr. LENROOT. No.

Mr. BORAH. And the statute to which we are asked to adhere has no such provisions?

Mr. LENROOT. That is right.

Mr. BORAH. Then the position of the Senator is perfectly clear to me. Whatever sanctions do exist, exist by reason of the covenant?

Mr. LENROOT. Exactly; and the point I was making was that if the fact that there are sanctions in the covenant is a reason why we should not adhere to the statute of the court, it is likewise a reason why we ought to withdraw from The Hague Court of Arbitration. That is the point I was trying to make yesterday, and which I did not have the opportunity to make.

Mr. President, in that same connection the Senator from California read a paragraph from a letter of mine that was recently published in the Nation. As Senators are aware, growing out of an article published in the Nation some time ago in regard to sanctions, the editor of that publication wrote, I think, to every member of the Foreign Relations Committee asking for an expression of opinion as to that article. I replied, as did the Senator from Idaho, and, I think, as did the Senator from California.

The Senator from Pennsylvania certainly replied, the Senator from Minnesota certainly did, and a number of other members of the Committee on Foreign Relations responded to the request of the editor. In my letter I did use the language quoted by the Senator from California. I said:

> The League of Nations is a treaty or agreement between a large group of nations, and if they choose to enforce the judgments of this or any other court by sanctions, it is none of our affair.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LENROOT. I do.

Mr. BORAH. Of course, it is none of our affair if they choose to do it, but it is our affair as to whether we choose to go into the institution whose judgment they are going to enforce. That is the exact question here—whether it is wise for us to become a member of an institution whose judgments may be enforced by a political institution in Europe. Europe undoubtedly has a right if thought wise to employ force in enforcing court judgments, but is it wise for us to go into such an institution?

Mr. LENROOT. Then let me ask the Senator from Idaho again, Does the Senator think we ought to withdraw from The Hague Court of Arbitration because of this power in the League of Nations?

Mr. BORAH. I must say to the Senator that I do not follow him with reference to that; but, to make my position perfectly plain, I never under any circumstances would by my vote subscribe to membership in a court whose judgments against a nation were to be enforced by a foreign institution.

Mr. LENROOT. Mr. President, again the Senator declines to answer a very proper question that I ask. If he is correct in his conclusion, he presents a reason why we should withdraw from The Hague Court of Arbitration.

Mr. BORAH. I thought I had answered, but I will answer it for the Senator. If the Senator is correct—which I do not concede for a moment—with reference to the sanctions existing as to The Hague tribunal, I should unhesitatingly withdraw from it. I am utterly opposed to enforcing the judgments of a court against a nation or a state by force, whether it is The Hague tribunal or this so-called court.

Mr. LENROOT. Mr. President, the Senator does not question the fact that any sanctions that are in the covenant of

the League of Nations do apply to awards of arbitration tribunals; does he?

Mr. BORAH. I contend that they do not apply to The Hague tribunal.

Mr. LENROOT. They apply to awards of arbitration, and that is all there is; is it not?

Mr. BORAH. I do not admit the correctness of the Senator's contention. But if he is correct, I am opposed to the proposition.

Mr. LENROOT. Of course, if the Senator did admit it, he would have to admit his whole case away. I can appreciate that.

Mr. BORAH. No; I would simply be in the position which I have taken, and which I do not hesitate to announce—that I would not permit this country to become a member of any arbitral tribunal or court whose judgments or decrees were to be enforced through military power.

Mr. LENROOT. That leads us to another branch of the matter. Then the Senator from Idaho would be unwilling to have any kind of a world court, however created, however constituted, unless it was also provided that the nations that might be brought before that court never could enforce through force their claims that might have ripened into judgments?

Mr. BORAH. Absolutely. The Senator understands my position exactly.

Mr. LENROOT. I understand.

Mr. BORAH. I believe, as a member of this court has said, that when you put force behind these judgments the court becomes a firebrand instead of an instrument of peace.

Mr. LENROOT. Now, let me ask the Senator another question. Suppose that Mexico enters into a treaty with Japan, and under the terms of that treaty Japan makes the claim that Mexico has ceded to Japan Lower California, and Japan secures peaceful possession of Lower California, and the construction of that treaty is submitted to this court and a judgment is rendered that Japan shall retire from Lower California. Is it the Senator's position that no force shall be administered by anybody with reference to the carrying out of that judgment, or would the Senator be willing to let Japan remain in possession of Lower California?

Mr. BORAH. Mr. President, there are circumstances and conditions under which a nation will always fight, and the Senator is now simply interposing a court here for the purpose of presenting his illustration. I do not know whether under those circumstances I would go to war or not; but I do say, Mr. President, that if I should go to war it would be solely upon another principle, aside and distinct from the fact that a court had rendered the judgment. That would not make any difference at all; and I say, as the fathers said when they organized the Supreme Court of the United States, that when you put force behind the judgment of a court which operates against a sovereign nation you are simply appealing to war. I am not in favor of making instruments which you call instruments of peace instruments of war. I am not in favor of providing for war in a plan for peace.

Mr. LENROOT. Mr. President, we are not talking about any force behind the court. There is no force behind the court.

Mr. BORAH. We are told that there is force behind the judgment of the court.

Mr. LENROOT. By some other body, of course.

Mr. BORAH. Yes.

Mr. LENROOT. If a nation is to be deprived of asserting a right which has ripened into judgment by a court, I want to say to the distinguished Senator from Idaho that you will never have a world court at all.

Mr. BORAH. Exactly. Now the Senator has made an admission which I am very glad to have on record here—that, after all, we are not building for peace at all. We propose to resort to war, to economic pressure, to starvation of the people, and just exactly the same things that are appealed to now. So long as a court is nothing more than an instrument in the hands of those who believe that you can apply force or military power to its enforcement, it is simply an instrument in the hands of the militarists and imperialists, as I have stated over and over again in this controversy.

Mr. LENROOT. Mr. President, I have not any such Utopian idea as has the Senator from Idaho with reference to the abolition of war. I have no idea that the time has come, or that any person within the sound of my voice will ever see the time, when war will be no more in this world; and I have been the last to claim that this court is going to abolish war. The Senator knows that. I do not say, however, that this court, if it shall continue in the future as it has in the past, may be the means of settling many disputes that, left unsettled, lead to misunderstanding, bitterness, dissension, hate; if there be a tribunal such as this that can in the very beginning, when the cause may be very trivial, settle these beginnings of misunderstanding, we shall have done something to avoid war in the future.

I say just as frankly, however, that if a nation is to understand that it surrenders the power that it now has to enforce a judgment of the court through economic pressure or otherwise—in other words, if we say to a nation, "If you will only come into this court, we will agree that there will be no way except the force of public opinion to get any redress for our grievances"—then I agree with the Senator that there never will be any cases before the court.

Mr. BORAH. Mr. President, suppose a judgment were rendered by this court in the interest, we will say, of Great Britain as against Turkey, and suppose the time had come when it was thought proper to enforce that judgment and it was thought necessary to enforce it through military power. Who would provide the military power to do it?

Mr. LENROOT. Why, Great Britain, of course, would provide it.

Mr. BORAH. Exactly; and you are right back to the old proposition of war between the original parties. The court is an incident in machinery of war.

Mr. LENROOT. I appreciate that, Mr. President; of course I do, except that in one case you have a nation that has voluntarily submitted its dispute to a tribunal and has agreed to abide by the judgment of that tribunal; and, knowing that if it fails to fulfill its obligations force may be used to compel enforcement of the judgment, it is much more likely to fulfill them than if it knows that there is nothing to be done and that it can go on without any kind of restraint, continuing its transgressions, and flouting the court. It is very clear to me, Mr. President.

The distinction is as wide as the ocean; and if we are really seeking some practical way of bringing world peace a little nearer it will not be found along the path urged by the distinguished Senator from Idaho, much as we all would like to see the time come when the force of public opinion would be strong enough to compel the observance of every judgment rendered by a properly constituted court.

It has been said many times that there is no force behind our own Supreme Court. Of course that is true in a sense, and yet the executive part of our Government is the enforcing power; and, quite aside from that, as Senators know, very recently in the case of Virginia against West Virginia the court very seriously considered the question of whether it could not find some constitutional means for enforcing its own judgment, but did not succeed in doing so.

Mr. BORAH. No; after nearly a hundred years they have not found it.

Mr. LENROOT. But the executive department of the Government, as the Senator knows, has the power to enforce any judgment of the Supreme Court of the United States.

Mr. BORAH. I challenge that proposition absolutely.

Mr. LENROOT. The court said so.

Mr. BORAH. No; I do not think it has said so. If the Senator will pardon me, the Supreme Court of the United States has decided unanimously that there is no power lodged in the Government, either in the Executive or in the court, to enforce a judgment of the court against a State.

Mr. LENROOT. Mr. President, in that very case of Virginia against West Virginia that matter was very fully discussed; and the court, as the Senator knows, held that that was not a matter of judicial policy, but was a matter of executive or legislative policy with which they had nothing to do.

Mr. President, the Senator from California [Mr. JOHNSON] complained of my language with reference to sanctions in the League of Nations, that that was none of our affair, and he said:

> In the name of God, why are we going there, then, if it is none of our affair?

In the first place, we are not going there at all. Let me say, in this connection——

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LENROOT. I do.

Mr. JOHNSON. I sincerely hope the Senator is correct, that we are not going there, but I thought he was laboring under the delusion that he was going to take us into the court.

Mr. LENROOT. No; the Senator said "the League of Nations."

Mr. JOHNSON. Oh, no; the context shows that I was referring to the court.

Mr. LENROOT. Very well. I will correct it, then.

In the name of God, why are we going there, then—

Meaning the court—

if it is none of our affair; If the peace of the world is threatened, if sanctions are demanded by a league to enforce that peace under the decision of a court of which we are a part, tell me that it is none of our affair.

I say the only way it could be made an affair of ours, that applying only between members of the league, would be for us to do what the Senator from California has been foremost in declaring we ought not to do, and that is interfere in the affairs and politics of European nations. That is why I said it was none of our affair. Does the Senator say it is?

Mr. JOHNSON. Mr. President, I do not want to interrupt the Senator's discourse, but when he concludes I will answer.

Mr. LENROOT. I will be very glad to have the Senator interrupt.

Mr. JOHNSON. Then I will answer the Senator. Do you mean to tell me, sir, that you have a doctrine that this country will go into this court—that it will be a part of this court—that when questions shall arise in that court, where the peace of the world may be threatened, we will scuttle and run and have nothing to do with them? That is not my idea of the American Republic, and I would not take this Republic into any organization where that sort of thing might be possible, or the imputation might be put upon our country, or any such imputation could be put upon it under any circumstances.

Mr. LENROOT. Now the Senator is talking about something entirely different.

Mr. JOHNSON. No; I am talking about exactly what I was talking about yesterday.

Mr. LENROOT. Yes; the Senator is talking about something different. We are talking about sanctions of the League of Nations.

Mr. JOHNSON. Of course we are, and that is exactly what I am referring to.

Mr. LENROOT. Very well; let us see then. A group of nations make an agreement among themselves that if any one of their number shall refuse to abide by an award by The Hague Court of Arbitration, or as proposed to be amended, by the Permanent Court of International Justice, the other members of the group shall bring their influence upon that recalcitrant member to compel it to obey. It is an agreement voluntarily entered into by each one, including the one who may be recalcitrant. Does the Senator say that is an affair of ours, as to what agreement they make among themselves for the observance of their own undertakings? If he does, then he gets us right exactly where he has opposed our going.

Mr. JOHNSON. Oh, no, Mr. President; I am not going there. That is the difference between the Senator and myself. I am not going into the court if I can prevent it. I am not going into a part of the League of Nations, the League of Nation's court, if I can prevent it. The Senator from Wisconsin is going to take us into a part of the League of Nations, the League of Nation's court. He is going to have that court render its decisions, and then the league, which is the father of the court and the controller of the court, will direct what shall be done. Then he is going to have this country, a part of the court, a part of a part of the League of Nations, scuttle and run, and say that it is none of our affair. That is what I object to, sir, and I object that we shall go in at all. That is the point that I have endeavored to make.

Mr. LENROOT. Mr. President, again the distinguished Senator from California makes general statements that I challenge him to substantiate. He says this court is controlled by the league. He has not endeavored to point out anywhere in the statute of the court to which we are asked to adhere anything which indicates there is control of the functions of this court by the league, nor is he able to show it by any of the 16 decisions of the court.

Mr. JOHNSON. On the contrary, Mr. President, the very fact that it can ask advisory opinions indicates a control such as no real court ever should permit in any body under any circumstances.

Mr. LENROOT. And the fact that the court has expressly declined to give an advisory opinion conclusively shows the independence of the court and conclusively answers the Senator from California.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin further yield?

Mr. LENROOT. I yield.

Mr. JOHNSON. The statement is wholly inaccurate that the court has refused to give an advisory opinion. It has given 11 advisory opinions. Upon a specific matter it refused to give an advisory opinion once, it is true, but upon 11 other matters it has given its advisory opinions, and will continue to do so in the future, just as it has done in the past.

Mr. LENROOT. Does the Senator complain of any of those advisory opinions that they were not judicially made, that they were not made in exactly the same way that the Supreme Court of the United States passes upon cases?

Mr. JOHNSON. Oh, much complaint, sir, might be made of them, but no useful purpose will be served in discussing specific opinions that may have been rendered as advisory to the league, although a discussion from now until breakfast time might be indulged concerning the decision that was rendered between Great Britain and Turkey in the Mosul case.

Mr. LENROOT. May I ask the Senator——

Mr. JOHNSON. I do not propose to discuss specific opinions in this matter at all.

Mr. LENROOT. I thought not.

Mr. JOHNSON. The fact is the court has the right to and does render at the request of the league its advisory opinions, and there is not a single, solitary legal luminary I know of, not a single individual, who has been heard in connection with this particular matter but who insists that the giving of advisory opinions is a matter which should be intrusted to no court, and the power to render such opinions should be given to nobody in respect to any court.

Mr. LENROOT. The Senator, like some other opponents of the court, declines to discuss the statute of the court, declines to discuss the opinions rendered by the court, and would much rather make general statements, such as has just been made by the Senator from California.

Mr. JOHNSON. I challenge that statement, Mr. President. It is my purpose before this debate concludes, unless of course, it shall be rushed through under the lash of a party to a conclusion that is outrageous and shameful—it is my purpose to discuss in detail the statute of the court and all the opinions that have been rendered by the court. Yesterday was the first time I had had opportunity to discuss this question at all in the Senate, and it was discussed, as I said then, in general terms.

Hereafter I shall discuss it more analytically; as well as I am able I shall discuss it in detail. So that the statement that we have declined to discuss it in detail is one that is not warranted by the facts; for others upon this floor, notably the Senator from Idaho [Mr. BORAH], the junior Senator from Missouri [Mr. WILLIAMS], and the senior Senator from Missouri [Mr. REED] have discussed in the greatest detail the protocol and all things connected with this court. I shall do so hereafter, and I shall do so, I trust, to the instruction and the edification and perhaps even the amusement of the Senator from Wisconsin.

Mr. LENROOT. Not to my amusement. I made the statement, and I repeat it, and the Senator admits, that up to this time he has not discussed the statute, and he has just said that he did not wish to discuss the work of the court—the opinions of the court. Now he says yesterday was the first time he had had opportunity to discuss this question. Mr. President, this matter has been pending since the 17th day of December. There has been ample opportunity for the discussion of this question upon both sides.

Mr. JOHNSON. Mr. President——

Mr. LENROOT. Day after day, during the earlier part of this debate, we recessed because there was no one opposing the court ready and willing to speak.

Mr. JOHNSON. Mr. President, will the Senator yield for a moment there?

Mr. LENROOT. Yes.

Mr. JOHNSON. There has not yet been ample time for a full discussion of this problem at all. It is true we began on the 17th day of December last with speeches that were made in behalf of our adhesion to the particular protocol. It is true that immediate adjournments were taken after those speeches were made, as I recall. It is true that up to this week the amount of time occupied in the discussion of this question exceeded on the part of those who were asking us to join the court the discussion that was indulged by those who were opposing the court. We have had during that period, too, a recess during the holidays, and the actual time that has been taken up in the discussion of this matter is less than has been taken up in any matter of like importance since I have had the honor to be a Member of this body.

Mr. LENROOT. That has no bearing at all; but that was because day after day I asked opponents if they were not ready to speak, stating that I wished to go on. They said they were not; and because they said they were not, until a week ago Monday I did not press this matter, because I wanted

to give full opportunity for discussion. They did not choose to exercise their privilege, and the Senator can not talk about the time consumed, because the opponents of the court had ample opportunity and time, and the Senate would have been glad to remain in session; but for some reason or other the opponents of the court declined to discuss it until this week.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LENROOT. I yield.

Mr. WILLIAMS. I will ask the Senator from Wisconsin whether he does not think that more time should be given by the Senate to the consideration of a treaty than to the consideration of legislation, and that on this theory legislation is initiated in the Congress and goes to the President for his advice and consent? He may take time to give his advice and consent, because it may be that he wants to take counsel of his advisers, to sound public opinion, and determine what his action upon the legislation shall be; whereas a treaty originates with the President and comes to the Senate for its advice and consent, and, by the same token, the Senate must have as much time, not only to consider the treaty itself but to determine, after such consultation with public opinion as they may get, whether they shall yield their advice and consent. Therefore I ask whether we should not take more time in deliberating upon a treaty than in considering legislation?

Mr. LENROOT. Mr. President, I think three years is a pretty fair amount of time. That is the time this treaty has been pending before the Senate, or it will be three years next month.

Mr. MOSES. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LENROOT. I yield.

Mr. MOSES. The Senator was quite correct in saying that this protocol came to us three years ago. But I call to his attention the fact that for more than a year no Senator was sufficiently interested to raise the question upon the floor in any form whatever, and no Senator in the Committee on Foreign Relations was sufficiently interested in the question to raise it there until the spring of 1924, when the so-called Pepper report was brought forward, and no Senator on the floor was sufficiently interested in the Pepper report, or in the minority report filed with it, known as the Swanson report, to make any move here to bring it before the Senate until 15 minutes before the inauguration of Coolidge and Dawes on the 4th of March, 1925, when the junior Senator from Utah [Mr. KING], in those crowded moments, sought to bring the question before the Senate, a perfectly futile gesture and done for the purpose of making a record, and none other.

The question did come before the Senate by unanimous consent on the 17th of December last. Since that time we have had the entire period of the holiday recess; there was one day when there was no session; there were four days when the Nye case was considered, and up to the beginning of this week the total amount of space in the CONGRESSIONAL RECORD occupied by those who have argued for the court is 68½ pages, while those who were arguing against the court have occupied 49½ pages.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator permit me to correct an error in the statement just made by the Senator from New Hampshire?

Mr. LENROOT. I yield.

Mr. ROBINSON of Arkansas. The Senator from New Hampshire has stated that by unanimous consent this resolution was brought before the Senate on the 17th day of December. That statement is incorrect. It will be recalled that when the Congress convened on the 4th of March in extraordinary session there was a disposition to proceed then to the consideration of this resolution, or a kindred resolution.

Mr. MOSES. That is true.

Mr. ROBINSON of Arkansas. And that after protracted consideration of the subject the Senator from Kansas [Mr. CURTIS] asked unanimous consent that the Senate proceed early in the following session to consider the resolution. That consent was denied. I myself then made a motion that the resolution be made a special order for the 17th day of December; the Senate took a vote upon that question, and it carried with only three votes against the motion. That is the history of the steps leading up to the consideration of this subject in the Senate.

Mr. MOSES. I am very glad to have my recollection refreshed on that. The statement made by the Senator from Arkansas is accurate. My recollection when I spoke was that it had been by a unanimous-consent agreement. I recall now that that was denied.

Mr. LENROOT. The Senator from New Hampshire also refers to the fact that I think 48 columns—or pages?

Mr. MOSES. Pages.

Mr. LENROOT. Forty-eight pages have been used by the opposition and something like 68 pages by the proponents. The reason is, I repeat, that at the request of opponents the Senate took recesses and adjournments day after day when we ought to have been debating the question, because I did not wish to be in the position of unduly pressing the matter. That is the reason why there are not more pages of the RECORD taken by the opponents.

Mr. JOHNSON. Mr. President, I am in no position to deny the statement made by the Senator from Wisconsin, and therefore I accept it, but so far as I am concerned he made no disposition or continuances or adjournments or otherwise at my instance or at my request; neither have I asked him for any; neither shall I ask him for any.

Mr. MOSES. Mr. President, may I add my disclaimer to that also, with the consent of the Senator from Wisconsin? He made none at my request. Last Friday, when the chairman of the Committee on Foreign Relations [Mr. BORAH] was ill and unable to come to the Senate, the Senator from Wisconsin issued me an ultimatum in these words: "Vote or talk."

Mr. LENROOT. That is correct, Mr. President.

Mr. MOSES. Then, when I wanted to bring an important appropriation bill before the Senate on that day and dispose of it, and thus advance the general legislative program of the session, I was denied the privilege, and being forced to take the alternative of talking and the chairman of the Committee on Foreign Relations being ill and absent, somebody talked. [Laughter.]

Mr. LENROOT. Mr. President, it is correct that a week ago last Monday I stated to those whom I supposed were in charge of the opposition that as far as I could influence the matter from that time on it would be pressed, and there would have to be debate or a vote. That was not an unreasonable position to take in view of the opportunity that had theretofore been afforded the opponents of the measure and which they had not seen fit to exercise. I submit to the Senate and the country whether since that time all of those who oppose the treaty have shown themselves very anxious to debate the real merits of the proposition.

Mr. MOSES. Mr. President——

Mr. LENROOT. I yield to the Senator from New Hampshire.

Mr. MOSES. Of course I well understand the view which the Senator from Wisconsin takes of the remarks which I offered on the subject, but I can assure him that I gave considerable time to their consideration, and I have not offended against the rules of the Senate in the matter of debate either in this case or in any other case.

Mr. LENROOT. No; not at all. I did not refer to anyone on this side of the aisle, I will say to the Senator from New Hampshire.

Mr. MOSES. But, Mr. President, the irritating feature about the situation to me is that we are constantly deprived of any opportunity to go on with the routine work of the Senate. We are not permitted to have a morning hour. We were not permitted to have regular Calendar Monday this week. Inasmuch as the proponents of the court have used 69½ pages of the RECORD to express their views and have been granted adjournments day after day so that we could have morning hours and the regular routine work of the Senate proceed, why is it that the Senator from Wisconsin now insists upon putting the noses of the opponents of the court to the grindstone and holding them there hour after hour every day?

Mr. LENROOT. Wholly for the purpose of expediting the business of the country, appropriation bills, the tax bill, and other measures.

Mr. MOSES. Then I think we should be permitted to take up the appropriation bill which has been pending here for 10 days, and then proceed to consider the tax bill which came in yesterday, and get down to the real business of the country.

Mr. LENROOT. We will do that, Mr. President, may I suggest to the Senator from New Hampshire, if we can agree to a vote upon this measure. We will in that way expedite all of the other business before the Senate.

Mr. MOSES. So far as I am concerned, I have said to the Senator from Wisconsin privately, and I am perfectly willing to say in open session on the floor of the Senate, that I am ready to vote on this question at any time. I am willing to begin to-day, but I happen to be only a single Member of the Senate.

Mr. LENROOT. The Senator from New Hampshire has repeatedly told me that, and if all of his associates will only

agree with him we will have very little difficulty in adjusting the matter.

Mr. MOSES. Some of my associates are preparing speeches. Some of them have spoken to me to-day about the difficulty they have in finding time to get their remarks in order. Some of us have chairmanships of important committees; some of us have membership on working committees which occupy a great many hours of the day when the Senate is not in session. We can not be giving uninterrupted attention to the affairs of the Old World when the affairs of the United States are pressing upon us.

Mr. LENROOT. I shall not ask the Senator from New Hampshire to admit upon the floor that the business of the country would be expedited if we could get the World Court out of the way, but I assume he realizes that.

Mr. MOSES. The Senator may ask me that question. What is the question?

Mr. LENROOT. I ask the Senator if he does not think that all business would be expedited by having a vote upon the World Court measure?

Mr. MOSES. I am not so clear about that, because I do not know what embroidery may be put upon the fabric of the court as soon as we have gone into it.

Mr. LENROOT. I have just one more word to offer, Mr. President. The Senator from California [Mr. JOHNSON] yesterday said that the country had not had an opportunity to form an opinion upon this question.

Mr. JOHNSON. No, Mr. President; I do not think the Senator from California said anything of the sort, but I am willing to agree that that is the fact.

Mr. LENROOT. That is what I understood him to say yesterday; but whether he did or did not, he has said it to-day. President Coolidge declared for the World Court in December, 1923. Everyone in the United States knew that President Coolidge was in favor of the World Court when he was a candidate for the Republican nomination at the Cleveland convention. Was there any lack of opportunity for any other candidate to have raised the issue upon the World Court in that campaign?

There was opportunity. If it was not availed of, Mr. President, it was because no doubt the thought was that an issue could not be made of it to the advantage of any candidate against President Coolidge. Certainly there was the opportunity, and the pledge went into the Republican platform.

I have no criticism of any Senator with regard to his vote upon this measure. It is the duty of every Senator to vote according to his convictions. If I entertained the convictions of the Senator from California with respect to the measure, I am willing to say I would not vote for it, because, while I do believe that upon all matters of policy one should surrender his convictions to his party when it has made a solemn pledge, yet whenever a principle is involved upon which one has deep convictions I believe it is the duty of a Senator to follow his convictions, as the Senator from California is doing here and now.

Mr. President, it is a little after 4 o'clock. There has been some colloquy with reference to the possibility of coming to an agreement upon this question, and in the hope and belief that a recess at this time may expedite final action upon the measure I am going to ask unanimous consent that when the Senate concludes its business to-day it shall take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed in the RECORD certain telegrams both for and against the World Court.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegrams are as follows:

SYRACUSE, N. Y., *January 19, 1926.*

Hon. Mr. COPELAND:

*Senator from State of New York, Washington, D. C.:*

Students at Syracuse University after study and discussion of the question of the entrance of the United States into the World Court went on record in a carefully conducted ballot as favorable to the entrance of the United States into the World Court with the Harding-Hughes-Coolidge reservation. As student chairman of the university World Court committee, and as spokesman for the student body, I strongly urge that you support the entrance of the United States into the World Court by your influence and vote. This request is being made to Senator WADSWORTH also.

A. PAUL WRIGHT.

ITHACA, N. Y., *January 19, 1926.*

United States Senator COPELAND, of New York,

*Capitol Building, Washington, D. C.:*

As citizens of New York State we would like you to do all you can to keep the United States from entering the World Court.

M. E. SNYDER, *Chairman.*
RUSSELL FERGUSON,
E. J. FITCH,
W. T. KELLOGG,
A. J. LEONARD,
W. PARKER,
CHESTER RIDER,
C. A. HYATT.

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BOSTON, MASS., *January 19, 1926.*

Senator ROYAL S. COPELAND,

*Senate Office Building, Washington, D. C.:*

On behalf of 12,000 Unitarian laymen from all parts United States urge prompt vote on World Court.

CHARLES H. STRONG,
*President Unitarian Laymens League.*

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NEW YORK, N. Y., *January 19, 1926.*

Hon. ROYAL S. COPELAND,

*United States Senate, Washington, D. C.:*

The National Society Women Builders of America representing great number of citizens in your community and elsewhere earnestly request you to oppose the entry of United States into the World Court.

Mrs. WILLIAM CUMMING STORY,
*National President.*

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BROOKLYN, N. Y., *January 19, 1926.*

United States Senator ROYAL S. COPELAND,

*Senate Chamber, Capitol Building, Washington, D. C.:*

Millions have been poured into organizers, speakers, literature, etc., on behalf of League of Nations court advocates for the past four years. It is an outstanding crime against the democratic process of representative government that the people who must depend upon their elected representative to intelligently debate the question are not to be permitted to hear or read the pro-American side. It takes time for the people to pass judgment upon the merits of a question that is so vital to American destiny. What's the hurry? Won't the court keep?

WM. TOBIAS BUTLER,
*Chairman Progressive Party.*

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NEW YORK, N. Y., *January 19, 1926.*

Hon. ROYAL S. COPELAND,

*Senate, Washington, D. C.:*

The members of the John Jacob Astor unit of the Steuben Society of America have instructed me to inform you that they are unalterably opposed to the entry of the United States into the World Court.

Very respectfully yours,

G. R. BRANDSTETTER,
*Secretary, 315 East Ninetieth Street.*

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EXECUTIVE SESSION

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the Senate proceeded to the consideration of executive business with closed doors. After five minutes spent in secret executive session the doors were reopened, and (at 4 o'clock and 15 minutes p. m.), under the order previously entered, the Senate, as in open executive session, took a recess until to-morrow, Thursday, January 21, 1926, at 12 o'clock m.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate January 20 (legislative day of January 16), 1926*

POSTMASTERS

ALABAMA

Zebedee Vick, Corona.

FLORIDA

Daniel C. Smith, Center Hill.
Henry C. Reynolds, Littleriver.
Clyde Bland, Pompano.

IDAHO

William S. Dunn, Hazleton.

MASSACHUSETTS

Benjamin S. Whittier, East Walpole.
Horace D. Prentiss, Holyoke.
John H. Pratt, Natick.
William H. Pierce, Winchendon.

NEVADA

George F. Smith, Reno.

OHIO

Benson M. Harrison, Alexandria.
William H. Campbell, Galena.
Jacob E. Davis, Kingsville.
Stanley C. Compher, Piedmont.
Ralph E. Saner, Powhatan Point.
Charles S. Kline, Port Washington.

TEXAS

Fred W. Nelson, Clifton.
William T. Phillips, Stamford.

## HOUSE OF REPRESENTATIVES

### WEDNESDAY, *January 20, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy Spirit, heavenly Dove, dwell in all our hearts, giving us assurance and peace. May He so abide with us that a faint faith, a chilled affection, a calculating service, shall be entirely strange to us. God of our fathers, give us a great reach of soul, that we may more certainly share Thy purity and strength. We thank Thee that we lift up our faces, and to find that Thou art not gone. We would plead with the Psalmist: "Hide Thy face from my sins and blot out all my iniquities." May our souls pass into that quiet hopefulness which is the strength of life. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE

The SPEAKER. The Chair announces a change of reference of the bill H. R. 6564 from the Committee on Public Buildings and Grounds to the Committee on Indian Affairs. The Chair is informed that both chairmen agree to the change of reference.

Mr. OLDFIELD. Mr. Speaker, what is this about?

The SPEAKER. This is a bill providing for the construction of a sanatorium and hospital at Claremore, Okla., and providing an appropriation therefor.

Mr. OLDFIELD. What committee has the bill?

The SPEAKER. The Committee on Public Buildings and Grounds has the bill, and the chairmen of both committees, the Chair is informed, agree that the bill should go to the Committee on Indian Affairs. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 90. An act to amend an act entitled "An act to create a Library of Congress trust fund board, and for other purposes," approved March 3, 1925; and

S. 1267. An act to extend the time for the completion of the construction of a bridge across the Columbia River between the States of Oregon and Washington, at or within 2 miles westerly from Cascade Locks, in the State of Oregon.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7554, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7554, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7554) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes.

Mr. FRENCH. Mr. Speaker, I yield 10 minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, we have but recently passed the sixth anniversary of national prohibition. I want to make a few observations on six years of national prohibition.

When we take liquor-law enforcement out of politics and put the rich violator and the poor violator on the same rock pile we will have respect for law. The padlock and rock pile will give results.

Yes; and there are two others that ought to be on the same rock pile—the foreign diplomat, who breaks our laws, and the public press, which feeds its readers on distorted news morning, noon, and night, 365 days in the year. [Applause.] These are doing more to break down respect for law than all the anarchists that ever landed on Ellis Island. [Applause.]

After 75 years of active agitation, education, and organization the eighteenth amendment was enacted. We slipped up on the blind side of nobody.

No other proposed amendment of the Constitution was so long before the country.

No other amendment was ever approved in principle and put in operation by so many towns, cities, counties, and States prior to its adoption by the Federal Government.

No other amendment was ever sponsored and urged by so many American citizens.

No other amendment was ever so overwhelmingly approved by Congress and State legislatures.

No other legislative act in America ever brought so much joy to the mothers of men as the eighteenth amendment.

AND THEN WHAT?

A law-breaking minority, backed by their wealth coined from wrecked manhood, broken homes, and mothers' tears, deliberately set about the nullification of this act.

How would they nullify it? By legal procedure? No; not by legal procedure but by organized law breaking would they bring into disrepute our Constitution, the most sacred instrument of the American people.

What of six years of national prohibition? We have liquor peddlers and illicit stills—yes, and innumerable nullification societies with their ill-gotten pelf who continually plot to wreck our Government for their own miserable profit.

We have a metropolitan press that daily dishonors itself and insults its readers by magnifying the evils and minimizing the benefits of national prohibition, but these things were all being done in the old liquor days.

But what else have six years of national prohibition wrought?

ARE WE MAKING PROGRESS?

One hundred and seventy-seven thousand licensed saloons have disappeared.

The Federal Government and a self-respecting American people have gone out of legalized debauchery—and that alone is worth all that prohibition has ever cost.

The premises once occupied by saloons are now occupied by groceries and women's and children's ready-to-wear shops and other legitimate concerns and $2,000,000,000 that once went over the bars now feed mouths that were once hungry and clothe women and children that were once in rags. Extreme poverty has disappeared from America and these are worth all that prohibition has ever cost.

One thousand two hundred breweries no longer brew 100 gallons of beer annually for every adult male in the United States.

Five hundred distilleries no longer produce 10 gallons of poisonous intoxicating liquors annually for every man in the country.

Wife beating, alcoholic, stillborn infants, and the abuse of little children have almost disappeared in America, and that is worth more than prohibition has ever cost.

The alcoholic death rate in the United States has been reduced from 5,800 per hundred thousand annually to 2,000 per hundred thousand annually. Reliable and unbiased statistics of a long array of life-insurance societies also declare an unexpected, astounding, and unprecedented diminution in the death rate under a prohibition even half-heartedly administered. A still more valuable index of the signal benefits of prohibition is to be found in the general health of the Nation, which has never been better. The Metropolitan Life Insurance Co. a few months ago declared that—

The health of the people of the United States and Canada was in all probability better in 1924 than ever before. This is the first year in which every important cause of death has registered a decrease from the year before.